

SEVENTEENTH DAY

(Continued)

(Friday, October 11, 1935)

The House met at 9:00 o'clock a. m., and was called to order by Speaker Stevenson.

MESSAGE FROM THE SENATE

Austin, Texas, October 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 18, A bill to be entitled "An Act requiring licenses for the operation, maintenance, opening or establishment of stores in this State, prescribing the license and filing fees to be paid therefor, and the disposition thereof; providing for certain exceptions and fixing the powers and duties of the Comptroller of Public Accounts in connection therewith; etc., and declaring an emergency."

(With amendments.)

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 43 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 43, A bill to be entitled "An Act relating to the compensation of district, and certain designated county and precinct officers and providing the method and means by which such officers shall be compensated for their services; providing for the appointment and payment of deputies, assistants and clerks in district, county, and precinct offices; limiting the payment of fees and commissions by the State in certain instances; requiring the keeping of books and records by such officers and the making of reports to designated authorities; etc., and declaring an emergency."

The bill having heretofore been read second time, with committee amendment by Mr. England pending.

Mr. Pope offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43 by adding thereto Section 21-a as follows:

"Provided however, nothing in this Act herein contained shall be taken to repeal House Bill No. 164, Chapter 303 of the Forty-fourth Legislature at its Regular Session, providing for the fees of office of the justices of the peace and constables in counties containing not less than fifty-one thousand seven hundred and seventy-nine (51,779) and not more than fifty-two thousand seven hundred and seventy-nine (52,779) inhabitants according to the last preceding Federal Census of the United States, and provided further that the commissioners' court of said county shall have full power to set salaries of such precinct officers of Precinct No. 1 of said county, and containing the county seat of said county, at a sum not less than the first maximum and not more than the total fee limits provided for in said House Bill No. 164, Chapter 303, Acts of the Forty-fourth Legislature at its Regular Session, and provided further that the commissioners' court of such counties may set the salaries of other precinct officers not in Precinct No. 1 of said county in accordance with the general provisions of this Act."

The amendment was adopted.

Mr. McCalla offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43 by striking out all of Section 4 and inserting in lieu thereof the following:

"Section 4. In all counties of this State wherein the district, county, or precinct officers are hereafter to be compensated on a salary basis, under the provisions of this Act, there shall be created a fund for each officer affected by the provisions hereof to be known as the "..... Salary Fund of County, Texas." (Insert the title of the officer affected and the name of the county) and such fund shall be kept separate and apart from all other county funds and shall be held and disbursed for the purpose of paying the salary of such officer, the salaries of his deputies, assistants, clerks, stenographers, and investigators who are authorized to draw a salary from said fund under the pro-

vision of this Act, and to pay the authorized and approved expenses of his office. Such funds shall be deposited in the County Depository and shall be protected to the same extent, and draw the same interest, as other county funds."

The amendment was adopted.

Mr. McCalla offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43 by striking out all of Section 5 and inserting in lieu thereof the following:

"Section 5. It shall be the duty of each clerk of the district and county courts and of all justices of the peace, to require at the commencement of any civil suit adequate security for costs. No district, county, or precinct officer shall under the penalties now provided by law waive any fees or costs but it shall be the duty of all officers to assess and collect all fees and commissions which they are permitted or directed by law to assess and collect for services performed by them. Where any officer receives a salary payable from the Salary Fund created for such officer all fees, commissions, and other compensation received by him in his official capacity shall be by him deposited and paid monthly, or oftener, into the Salary Fund created for such officer, and such remittance shall be accompanied by his official report thereof, as provided by Article 3898, Revised Civil Statutes of Texas, as amended herein."

Mr. Farmer offered the following amendment to the amendment by Mr. McCalla:

Amend amendment by Mr. McCalla as follows: After the word "performed" in line 8, page 3, add these words:

"And all officers shall collect in cash in advance for all services rendered and to be rendered by his office, or require a deposit in advance sufficient to cover all costs, except where affidavits of inability to pay costs is filed and determining where contested. And all officers shall be responsible for the collection of such costs."

The amendmend was adopted.

The amendment, as amended, was then adopted.

Mr. McCalla offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43 by striking out all of Section 6 and inserting in lieu thereof the following:

"Section 6. (a) Each district, county, and precinct officer who shall hereafter be compensated on a salary basis shall continue to charge for the benefit of the Officer's Salary Funds provided for in this Act, all fees and commissions which he is now or hereafter may be authorized to charge against and collect from the State of Texas for services performed and to file claims for the fees or commissions due for such services in the manner now or hereafter provided by law; and it shall be the duty of said officer to account for and cause to be paid to the salary fund created for such officer all such commissions and fees; provided further, that such warrants issued by the State Comptroller of Public Accounts shall be made payable jointly to the officer in office at the date of payment and to the county treasurer, and that upon indorsement thereof such warrants shall be deposited forthwith by said county treasurer in the salary fund created for such officer.

"(b) No officer receiving a salary shall hereafter receive any ex-officio compensation; provided, however, the commissioners' court shall be authorized to transfer from the general fund of the county to any Officer's Salary Fund of such county such funds as may be necessary to pay the salaries and other claims chargeable against such fund when the moneys deposited to the credit of such fund are insufficient to meet the claims against it.

"(c) Any moneys remaining in any Officer's Salary Fund of the county at the end of any fiscal year, after all salaries and authorized expenses incurred against said fund for said year shall have been paid, shall be, by order of the commissioners' court transferred to the credit of the general fund of the county."

Mr. Russell offered the following amendment to the amendment by Mr. McCalla:

Amend McCalla amendment by adding after sub section "b" the following:

"No amount shall be transferred from general county fund greater than the amount would be necessary to make an amount equal to the difference between the amount of fees to be collected and the amount of salaries to be paid."

On motion of Mr. McCalla, the amendment by Mr. Russell was tabled.

Question recurring on the amendment by Mr. McCalla, it was adopted.

(Mr. Walker in the Chair.)

Mr. McCalla offered the following amendments to the committee amendment:

Amend committee amendment to House Bill No. 43 by striking out all of Section 9 and inserting in lieu thereof the following:

"Section 9. Article 3897, Revised Civil Statutes of Texas, 1925, as amended by Section 5, Chapter 20, Acts of the Fourth Called Session of the Forty-first Legislature is hereby amended so as to hereafter read as follows:

"Article 3897. Each district, county, and precinct officer, at the close of each fiscal year (December 31) shall make to the district court of the county in which he resides a sworn statement in triplicate (on forms designed and approved by the state auditor) a copy of which statement shall be forwarded to the state auditor by the clerk of the district court of said county within thirty (30) days after the same has been filed in his office, and one copy to be filed with the county auditor, if any; otherwise, said copy shall be filed in the commissioners' court; said report shall show the amount of all fees, commissions, and compensations whatever earned by said officer during the fiscal year, and secondly, shall show the amount of fees, commissions, and compensations collected by him during the fiscal year and their disposal; thirdly, said report shall contain an itemized statement of all fees, commissions, and compensations earned during the fiscal year which were not collected, together with the name of the party owing said fees, commissions, and compensations and the reason for noncollection. Said report shall show the names of deputies and assistants employed by him during the year, the time served, and the amount paid or to be paid each. Said report shall be filed not later than January fifteenth (15), following the close of

the fiscal year and for each day after said date that said report remains not filed, said officer shall be liable to a penalty of twenty-five dollars (\$25.00) which may be recovered by the county in a suit brought for said purpose, and in addition said officer shall be subject to removal from office. The county auditor in counties having an auditor or, in other instances, the commissioners' court shall call to the attention of the district or county attorney all fees, commissions, and compensations uncollected which have been due and payable to any officer of the county for a period of more than six (6) months, and all fees, commissions, and compensations collected by such officers and not reported, and it shall be the duty of the district or county attorney to institute proceedings for the collection of such fees, commissions and compensations, all of which are declared to be the property of the county and shall be deposited in the general fund."

Amend committee amendment to House Bill No. 43 by striking out all of Section 10 and inserting in lieu thereof the following:

"Section 10. Article 3898, Revised Civil Statutes of Texas, 1925, is hereby amended so as to hereafter read as follows:

"Article 3898. The fiscal year, within the meaning of this Act, shall begin on January first of each year; and each district, county, and precinct officer shall file his annual report and make the final settlement required in this Act on January fifteenth of each year; provided, however, that officers receiving an annual salary as compensation for their services shall, at the close of each month file with the county auditor, if any, otherwise with the commissioners' court, a detailed and itemized report of all fees, commissions, and compensations collected by him during said month, and shall forthwith pay into the Officer's Salary Fund for his office, all fees, commissions, and compensations collected by him during said month. Whenever such officer serves a fractional part of the fiscal year, he shall nevertheless file his report and make final settlement for such part of the year as he serves, and shall be entitled to such proportionate part of his compensation as the time of his service bears to the entire year."

Amend committee amendment to House Bill No. 43 by striking out all of Section 11 and inserting in lieu thereof the following:

"Section 11. Article 3899, Revised Civil Statutes of Texas, 1925, is hereby amended so as to hereafter read as follows:

"Article 3899. Each district, county, and precinct officer receiving an annual salary as compensation shall be entitled, subject to the provisions of Section 7 of this Act, to issue warrants against the Salary Fund created for his office in payment of the services of deputies, assistants, clerks, stenographers, and investigators for such amounts as said employees may be entitled to receive under their authorizations of employment. And such officer shall be entitled to file claims for and issue warrants in payment of all actual and necessary expenses incurred by him in the conduct of his office, such as stationery, stamps, telephone, traveling expenses, and other necessary expenses. If such expenses be incurred in connection with any particular case, such claims shall state such case. All such claims shall be subject to the audit of the county auditor, if any, otherwise of the commissioners' court; and if it appears that any item of such expense was not incurred by such officer, or such item was not a necessary expense of office, or such claim is incorrect, such item shall be by such auditor or court rejected, in which case the correctness, legality, or necessity of such item may be adjudicated in any court of competent jurisdiction.

"At the close of each month of the tenure of his office each officer named herein shall make as a part of the report required by Article 3898 an itemized and sworn statement of all expense claims paid during said month. And said report shall give the name, position, and amount paid to each authorized employee of such officer, and in no event shall any officer show any greater amount than was actually paid such employee. Such deputies, assistants, clerks, or other employees as well as expenses shall be paid from fees earned and collected by such officer in all cases in which the officer is compensated on a basis of fees earned by him.

"The commissioners' court of the county of the sheriff's residence may,

upon the written and sworn application of the sheriff showing the necessity therefor, allow one or more automobiles to be used by the sheriff or his deputies in the discharge of his official duties, which, if purchased by the county, shall be bought in the manner prescribed by law for the purchase of supplies, and shall be paid for out of the general fund of the county, and said automobiles shall be and remain the property of the county. The expense of operating and maintaining said automobile shall be paid in the manner and subject to the provisions herein provided for other expense items. The commissioners' court by an order entered of record may make provisions for payment of depreciation upon automobiles owned personally by the sheriff or his deputies."

Amend committee amendment to House Bill No. 43, page 7, line 5, by striking out the word "the" and inserting in lieu thereof the word "said" in each instance where it appears on said line 5, and by striking out the word "the" on lines 12 and 13 and inserting in each instance in lieu thereof the word "said."

Amend committee amendment to House Bill No. 43, page 7, by inserting between lines 37 and 38, the following:

"Section 14a. In addition to the expenditures authorized in the preceding paragraph, in all counties having a population in excess of two hundred and ninety thousand (290,000) inhabitants, according to the last preceding or any future Federal Census, the district attorney or criminal district attorney may be allowed by order of the commissioners' court of his county such amount as said court may deem necessary to pay for, or aid in the proper administration of the duties of such office, not to exceed Twenty-five Hundred (\$2500.00) Dollars in any one calendar year, provided that such amount as may be allowed shall be allowed upon written application of such district attorney or criminal district attorney showing the necessity therefor, and provided further that said commissioners' court may require any other evidence that it may deem necessary, to show the necessity for any such expenditures, and that its judgment in allowing or refusing to allow the same shall be final."

Amend committee amendment to House Bill No. 43 by inserting on page 8, at the ends of line 25, the following:

"The maximum salary fixed herein for district or criminal district attorneys shall be inclusive of the amount of \$500.00 allowed by Article 5, Section 21, of the Constitution."

Amend committee amendment to House Bill No. 43 by inserting on page 8, between lines 25 and 26, the following:

Section 3a. "In any county having a population in excess of two hundred and ninety thousand (290,000) inhabitants, the criminal district attorney shall be authorized to appoint nine (9) assistant criminal district attorneys, and fix their salaries at not to exceed the following amounts: three (3) of said assistant criminal district attorneys shall receive a salary not to exceed Forty-five Hundred Dollars (\$4500.00) per annum each; two of said assistant criminal district attorneys shall receive a salary of not to exceed Forty-two Hundred (\$4200.00) Dollars per annum each; one (1) of said assistant criminal district attorneys shall receive a salary of not to exceed Thirty-six Hundred Dollars (\$3600.00) per annum; and three (3) of said assistant criminal district attorneys shall receive a salary of not to exceed Twenty-seven Hundred (\$2700.00) Dollars per annum each. He may employ three (3) investigators and fix their salaries at not to exceed Twenty-four Hundred Dollars (\$2400.00) per annum each. He may employ two (2) court reporters and fix their salaries at not to exceed Twenty-two Hundred and Eighty Dollars (\$2280.00) per annum each. He may employ one (1) combination stenographer and accountant and fix his salary at not to exceed Nineteen Hundred and Twenty Dollars (\$1920.00) per annum. He may employ one (1) stenographer and fix his salary at not to exceed Eighteen Hundred Dollars (\$1800.00) per annum. He may employ one (1) chief civil clerk and fix his salary at not to exceed Nineteen Hundred and Twenty Dollars (\$1920.00) per annum. He may employ two (2) abstractors at not to exceed Nineteen Hundred and Twenty Dollars (\$1920.00) per annum, and the salary of the other abstractor at not to exceed Eighteen Hundred Dollars (\$1800.00) per annum. Should

such criminal district attorney be of the opinion that the number of assistants, stenographers, investigators or other employees above provided for is not adequate for the proper investigation and prosecution of crime, and the efficient performance of the duties of his office, he may, with the advice and consent of the commissioners' court appoint not to exceed five (5) additional assistant criminal district attorneys and fix their salaries as follows: One (1) of such additional assistant criminal district attorneys to receive a salary of not to exceed Forty-Five Hundred Dollars (\$4500.00) per annum, one of such additional assistant criminal district attorneys to receive a salary of not to exceed Forty-Two Hundred Dollars (\$4200.00) per annum, one of such additional assistant criminal district attorneys to receive a salary of not to exceed Thirty-Three Hundred Dollars (\$3300.00) per annum, and two of such additional assistant criminal district attorneys to receive a salary not to exceed Twenty-Seven Hundred Dollars (\$2700.00) per annum each. He may employ one court reporter and fix his salary at not to exceed Twenty-Two Hundred and Eighty Dollars (\$2280.00) per annum. He may employ one (1) stenographer and fix his salary at not to exceed Sixteen Hundred and Twenty (\$1620.00) Dollars per annum. He may employ one (1) civil clerk and fix his salary at not to exceed Fifteen Hundred Dollars (\$1500.00) per annum. He may employ one (1) information clerk and fix his salary at not to exceed Nine Hundred Dollars (\$900.00) per annum, but such additional assistants or employees so appointed, before qualifying and entering upon the duties of such office and employment, shall be approved as to number and salaries by the commissioners' court of the county in which such appointments are made."

Amend committee amendment to House Bill No. 43, page 13, by inserting after the comma on line 2, the following:

"or precinct officer where such officer is compensated on a salary basis,"

Amend committee amendment to House Bill No. 43, page 14, by adding at the end of line 31, the following:

"Provided that in counties having a population in excess of two hundred and ninety thousand (290,000) inhabitants the provisions of subsection 3a of Section 15 shall govern."

The amendments were severally adopted.

Mr. McCalla offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43, by inserting on page 19 at the end of line 36, the following:

"Provided that in all counties where the commissioners' court determines to place justices of the peace and constables on a salary basis, said commissioners' court shall not be required to place said salaries in all precincts within the county at equal amounts, but said commissioners' court shall have discretion to determine the amount of salary to be paid to each of said justices of the peace and to each of said constables in the several precincts in said counties within the limitations hereinabove set out."

The amendment was adopted.

Mr. McCalla offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 43, page 19, line 36, by striking out the words "to exceed" and inserting in lieu thereof the words and figures "less than four thousand five hundred (\$4,500.00) dollars nor more than,"

Mr. Hofheinz offered the following substitute for the amendment by Mr. McCalla:

Amend committee amendment to House Bill No. 43, Section 21, page 19, of the printed bill by inserting after line 36 a new subsection entitled 6A, and reading as follows:

"6A. In counties having a population of 290,000 or more inhabitants according to the last preceding or any future Federal census, justice of the peace and constable, serving precincts with more than 150,000 inhabitants according to the last preceding or any future Federal census, not less than \$4600.00 nor more than \$5000.00."

The substitute amendment was adopted.

The amendment as substituted, was then adopted.

Mr. Pope offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 43 by striking out Sections 1, 14, 15, 17, 18, 19, 20, 21, 22 and 24 and inserting a new Section 1, and renumbering the sections of the bill in their present order; said new Section 1 shall read as follows:

"Section 1. (a) That all county officers in counties containing a population of twenty thousand (20,000) inhabitants or more according to the last preceding Federal census, shall receive as compensation the minimum salaries fixed for such respective offices under the present General and Special Acts of the State of Texas, and, if the officers salary fund as herein fixed, shall exceed the aggregate amount of such minimum salaries, such balance shall be apportioned up to the maximum of their salaries as provided by said General and Special Acts if the amount in such officers salary fund be sufficient therefor, and if not sufficient, such balance of such funds that remains in said officers salary fund shall be apportioned to the various officers on an apportionment basis. If such officer's salary fund shall not equal an amount sufficient to pay such officers their full minimum, such fund shall be apportioned to the extent thereof to such officers up to such minimum on a proportionate basis. Such officer's salary fund shall be supplemented out of the county general fund in an amount sufficient to pay the minimum salaries now fixed by law.

(aa.) In counties having a population of more than twenty thousand (20,000) inhabitants according to the last preceding Federal census, if the commissioners' court determines to put the precinct officers of such counties on a salary basis, such officers shall receive as their compensation respectively the amounts which they now receive under the General and Special Acts of this State and if the officers salary fund shall contain any balance therein after paying such minimum salaries, such balance to such officers up to the maximum salaries allowed such officers on a proportionate basis.

"(b) In counties having a population of less than twenty thousand (20,000) inhabitants according to the last preceding Federal census, if the commissioners' court determines to

put the county and precinct officers of such counties on a salary basis, such officers shall receive as their compensation respectively the amounts which they now receive under the General and Special Acts of this State and if the officers salary fund shall contain any balance therein after paying such minimum salaries such balance to such officers up to the maximum salaries allowed such officers on a proportionate basis. If such officers salary fund shall not equal an amount sufficient to pay such officers their full minimum such fund shall be apportioned to the extent thereof to such officers up to such minimum on a proportionate basis. Such officers salary fund shall be supplemented out of the county general fund in an amount sufficient to pay the minimum salaries now fixed by law. And if said commissioners' court shall not determine to put said county and precinct officers on a salary basis, then the fees and salaries of such county and precinct officials shall be governed and determined as now provided for by General and Special Laws now in force in this State, and applicable to counties of less than 20,000 population.

"(c) All district officers shall be paid, as herein provided, the fees now provided by the General and Special Acts of this State."

Mr. Colquitt moved to table the amendment by Mr. Pope.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—40

Alsup	Holland
Ash	Hunt
Bradbury	Jefferson
Broyles	Knetsch
Butler of Karnes	Lange
Caldwell	Leath
Colquitt	Leonard
Crossley	Luker
Davisson	Mauritz
of Eastland	McCalla
Duvall	McKee
Dwyer	Morrison
Fox	Nicholson
Fuchs	Patterson
Gray	Payne
Greathouse	Reed of Dallas
Hankamer	Riddle
Harris of Dallas	Spears
Hofheinz	Stinson

Wells
Young

Youngblood

Nays—67

Aikin	Latham
Alexander	Lemens
Bergman	Lindsey
Bradford	Lotief
Burton	Lucas
Cagle	McConnell
Canon	McFarland
Cooper	McKinney
Craddock	Moore
Daniel	Morris
Davison of Fisher	Newton
Dunlap of Hays	Pope
England	Quinn
Fain	Reed of Bowie
Farmer	Roach of Hunt
Fisher	Roane
Frazer	Roark
Gibson	Roberts
Glass	Russell
Graves	Rutta
Hardin	Scarborough
Harris of Archer	Sessions
Hartzog	Smith
Hodges	Steward
Hoskins	Stovall
Huddleston	Tennyson
Hunter	Thornton
Hyder	Tillery
Jackson	Venable
Jones of Falls	Waggoner
Jones of Shelby	Westfall
Jones of Wise	Wood of Harrison
Keefe	Wood of Montague
Lanning	

Present—Not Voting

Herzik

Walker

Absent

Adamson	Hanna
Adkins	Head
Atchison	Howard
Beck	James
Butler of Brazos	Jones of Atascosa
Calvert	King
Celaya	Moffett
Clayton	Morse
Collins	Olsen
Colson	Palmer
Cowley	Petsch
Davis	Roach of Angelina
Dickison	Rogers
Dunagan	Shofner
Dunlap of Kleberg	Stanfield
Ford	Tarwater
Good	Worley

Absent—Excused

Bourne	Padgett
Fitzwater	Reader
Hill	Settle

Mr. Alsup raised a point of order on further consideration of the amendment by Mr. Pope, on the ground that the amendment is unconstitutional.

The Chair overruled the point of order, stating that he would submit the matter to the House for its decision by its vote on the amendment.

(Speaker in the Chair.)

Question—Shall the amendment by Mr. Pope to the committee amendment be adopted?

HOUSE BILL NO. 18 WITH SENATE AMENDMENTS

Mr. Head called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 18, A bill to be entitled "An Act requiring licenses for the operation, maintenance, opening or establishment of stores in this State, prescribing the license and filing fees to be paid therefor, and the disposition thereof; providing for certain exceptions and fixing the powers and duties of the Comptroller of Public Accounts in connection therewith; etc., and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Head moved that the House concur in the Senate amendments.

Mr. Caldwell moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the House and Senate on the bill, with the instruction that the committee make its report to the House not later than 10:00 o'clock a. m., next Monday.

Mr. Jones of Atascosa moved the previous question on the pending motions and the main question was ordered.

Question first recurring on the motion by Mr. Caldwell, that the House do not concur in the Senate amendments and that a conference committee be requested to adjust the difference between the two Houses, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—55

Bradford	Clayton
Butler of Brazos	Collins
Caldwell	Colquitt
Canon	Cowley
Celaya	Craddock

Crossley	Luker
Dickison	McCalla
Dunagan	McKinney
Duvall	Morrison
Dwyer	Morse
Farmer	Padgett
Fisher	Payne
Ford	Pope
Fox	Reed of Dallas
Frazer	Riddle
Gibson	Roane
Good	Roberts
Greathouse	Rogers
Hankamer	Russell
Hanna	Scarborough
Harris of Dallas	Smith
Hoskins	Stanfield
Jackson	Steward
Jefferson	Stinson
Jones of Shelby	Westfall
King	Wood of Harrison
Latham	Wood of Montague
Leonard	

Nays—82

Adamson	James
Adkins	Jones of Atascosa
Aikin	Jones of Falls
Alexander	Jones of Wise
Alsup	Keefe
Ash	Knetsch
Atchison	Lange
Beck	Lanning
Bergman	Leath
Bradbury	Lemens
Broyles	Lindsey
Burton	Lotief
Butler of Karnes	Lucas
Cagle	Mauritz
Calvert	McConnell
Cooper	McFarland
Daniel	McKee
Davison of Fisher	Moore
Davisson	Morris
of Eastland	Newton
Dunlap of Hays	Nicholson
England	Palmer
Fain	Patterson
Fuchs	Quinn
Glass	Reed of Bowie
Graves	Roach of Angelina
Gray	Roach of Hunt
Hardin	Roark
Harris of Archer	Rutta
Hartzog	Sessions
Head	Shofner
Herzik	Spears
Hodges	Stovall
Hofheinz	Tarwater
Howard	Tennyson
Huddleston	Thornton
Hunt	Tillery
Hunter	Venable
Hyder	Waggoner

Walker	Young
Wells	Youngblood
Worley	

Absent

Colson	Moffett
Davis	Olsen
Dunlap of Kleberg	Petsch
Holland	

Absent—Excused

Bourne	Reader
Fitzwater	Settle
Hill	

Question then recurring on the motion by Mr. Head, that the House concur in the Senate amendments to House Bill No. 18, it prevailed by the following vote:

Yeas—108

Adamson	Head
Adkins	Herzik
Aikin	Hodges
Alexander	Hofheinz
Alsup	Howard
Ash	Huddleston
Atchison	Hunt
Beck	Hunter
Bergman	Hyder
Bradbury	James
Broyles	Jones of Atascosa
Burton	Jones of Falls
Butler of Brazos	Jones of Shelby
Butler of Karnes	Jones of Wise
Cagle	Keefe
Calvert	King
Canon	Knetsch
Collins	Lange
Colquitt	Lanning
Cooper	Leath
Cowley	Lemens
Crossley	Leonard
Daniel	Lindsey
Davison of Fisher	Lotief
Davisson	Lucas
of Eastland	Mauritz
Dunlap of Hays	McConnell
England	McFarland
Fain	McKee
Fisher	Moore
Ford	Morris
Fox	Morrison
Fuchs	Newton
Glass	Nicholson
Graves	Olsen
Gray	Padgett
Greathouse	Palmer
Hanna	Patterson
Hardin	Payne
Harris of Archer	Quinn
Harris of Dallas	Reed of Bowie
Hartzog	Reed of Dallas

Riddle	Tennyson
Roach of Angelina	Thornton
Roach of Hunt	Tillery
Roark	Venable
Roberts	Waggoner
Rutta	Walker
Scarborough	Wells
Sessions	Westfall
Shofner	Wood of Harrison
Smith	Worley
Spears	Young
Stovall	Youngblood
Tarwater	

Nays—30

Bradford	Jackson
Caldwell	Jefferson
Celaya	Latham
Clayton	Luker
Craddock	McCalla
Dickison	McKinney
Dunagan	Morse
Duvall	Pope
Dwyer	Roane
Farmer	Rogers
Frazer	Russell
Gibson	Stanfield
Good	Steward
Hankamer	Stinson
Hoskins	Wood of Montague

Absent

Colson	Holland
Davis	Moffett
Dunlap of Kleberg	Petsch

Absent—Excused

Bourne	Reader
Fitzwater	Settle
Hill	

Mr. James moved to reconsider the vote by which the House concurred in the Senate amendments to House Bill No. 18, and to table the motion to reconsider.

The motion to table prevailed.

REASONS FOR VOTE

I vote "no" on the adoption of Senate amendments to House Bill No. 18, because in my opinion it discriminates against Texas chain stores and Texas purchasers in favor of out of State chain stores and manufacturers, and because in my opinion the bill as amended is unconstitutional and unenforceable as well as unfair and unjust.

DUVALL.

I voted against the motion to concur in the Senate amendments to

House Bill No. 18, which was and is the Chain Store Tax Bill.

I believe said bill to be unconstitutional, because of the discrimination clearly patent upon the face of the bill. It places a tax on some members of the class and exempts other members of the class.

It also fails to define other terms that ought to be defined, and this leaves the bill in that respect to be vague, indefinite and uncertain.

Some members said we could correct the bill in the next session. This is impossible, because the law will not go into effect until signed by the Governor, and then only 90 days after this session closes.

Some days after the expiration of the 90 days some party will attack the constitutionality of the bill and then it will wend its way to the Supreme Court of the United States, taking probably more than two years. In the meantime, only a few fellows, who cannot fight, will be forced to pay the tax, while the big ones will go free.

I voted for the Chain Store Tax that went out of the House, and I am for a real fair Chain Store Tax Bill; but for reasons above, I cannot and will not support such an unfair law.

It was shown in the Congressional Investigation by Congressman Patman that the big interests had planned, when they could not stop the enactment of a Chain Store Tax Bill, to then have it so worded and have it so amended as to make it unconstitutional. I think the same interests have been here this session, and by the aid of the lobbyists have accomplished their purpose in having adopted by the Senate the amendments to this bill which the House has now approved. Time will bring the age-old warning of Cassandra.

FARMER.

I voted for the substitute motion to not concur in Senate amendments to House Bill No. 18 and request the appointment of a new conference committee, for the reason that I considered the bill as presented to be clearly unconstitutional because of its exemptions and high tax and that a reasonable and fair conference committee could write a good bill. However, the House evidently thought otherwise, and therefore, on the motion to concur, I voted in the affirmative as a gesture in favor of a Chain Store Tax.

FOX of Williamson.

MESSAGE FROM THE SENATE

Austin, Texas, October 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 122, A bill to be entitled "An Act to amend Article 6243-a, Title 109, page 243, Second Supplement, Texas Revised Civil Statutes, as amended by the Forty-third Legislature, 1933, providing for pensions on reaching the age of sixty-five of persons employed in the Fire, Police and Fire Alarm Operator's Departments of any incorporated city or town containing more than 240,000 inhabitants and less than 275,000 inhabitants, according to the last preceding Federal census, etc., and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL ON FIRST READING

The following House bill, introduced today (by unanimous consent), was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Spears:

H. B. No. 150, A bill to be entitled "An Act making an emergency appropriation for the use of the Secretary of State in paying the expenses connected with the publication of constitutional amendments, and declaring an emergency."

Referred to the Committee on Appropriations.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally the following enrolled bills:

H. B. No. 24, "An Act to amend Article 704, Revised Civil Statutes of Texas of 1925, so as to provide that the election order shall designate the time and place of holding the election; that such election shall be held not less than 15 or not more than 30 days from the date of such order and that notice shall be given by posting a copy of the election order in each election precinct not less than 14 days before

the election and in addition shall be published on the same day in each of two successive weeks in a newspaper of general circulation published within said county or city, etc., and declaring an emergency."

H. B. No. 114, "An Act to aid Wharton County comprising one district and that portion of Matagorda County embraced in Commissioners' Precincts Numbers one, two, and four as described in the minutes of the Commissioners' Court of said county, comprising another district, for the remaining portion of the period of time covered by the release of taxes to said district as made by Chapter 48, Acts Thirty-eighth Legislature, First, Second and Third Called Sessions, pages 102 to 105 (Senate Bill No. 54) by donating and appropriating to said districts all the state ad valorem taxes levied and collected in said districts for general state purposes on all property, both real and personal, in said districts for the purpose of creating a fund for the payment of interest upon and creating a sinking fund for that certain issue or issues of bonds that were voted and issued under the authority of Chapter 48, Acts Thirty-eighth Legislature, First, Second, and Third Called Sessions, and declaring an emergency."

H. B. No. 130, "An Act making an appropriation of the sum of Fifty Thousand Dollars (\$50,000) or so much thereof as may be necessary, out of the General Revenue of the State of Texas, to pay the per diem of members, officers, and employees and to pay Contingent Expenses of the First Called Session of the Forty-fourth Legislature of the State of Texas, and declaring an emergency."

H. B. No. 122, "An Act to amend Article 6243-a, Title 109, page 243, Second Supplement, Texas Revised Civil Statutes, as amended by the Forty-third Legislature, 1933, providing for pensions on reaching the age of sixty-five of persons employed in the Fire, Police and Fire Alarm Operator's Departments of any incorporated city or town containing more than 240,000 inhabitants and less than 275,000 inhabitants, according to the last preceding Federal census, etc., and declaring an emergency."

RECESS

On motion of Mr. Harris of Dallas, the House at 12:00 o'clock m., took recess to 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

LEAVES OF ABSENCE GRANTED

(By unanimous consent.)

Mr. Bourne was granted leave of absence for today, on account of important business on motion of Mr. England.

Mr. Hill was granted leave of absence for this morning, on account of important business, on motion of Mr. Cooper.

Mr. Hyder was granted temporary leave of absence for this afternoon, on account of illness, on motion of Mr. Worley.

Mr. Cooper was granted leave of absence for this afternoon, on account of illness, on motion of Mr. Worley.

SENATE BILL NO. 20 ON PASSAGE TO THIRD READING

The Speaker laid before the House, as postponed business, on its passage to third reading,

S. B. No. 20, A bill to be entitled "An Act making certain appropriations for the hospitalization of indigent tuberculosis patients in private sanatoria within this State; authorizing the Board of Control and the Superintendent of the State Tuberculosis Sanatorium to enter into contracts with private sanatoria for the hospitalization of such tuberculars under the rules and regulations as at present established by law for admission to the State Tuberculosis Sanatorium, and declaring an emergency."

The bill having been read second time on yesterday.

Mr. Farmer offered the following amendment to the bill:

Amend Senate Bill No. 20 by striking out all below the enacting clause and insert in lieu thereof the following:

"Section 1. There is hereby appropriated out of any moneys in the State

Treasury, not otherwise appropriated, the sum of Four Hundred Seventy-five Thousand (\$475,000.00) Dollars, or so much thereof as may be necessary, to construct additional hospital units and/or buildings at the State Tuberculosis Sanatorium at Sanatorium, Texas, and for the purpose of equipping same, including all utility connections, and the construction of tunnels between the present building structures and the said new units herein provided for. The appropriation herein made shall be expended under the direction of the State Board of Control as is made and provided by law for the construction of other public buildings. The size, design and nature of said buildings and the equipment therefor shall be upon plans made and approved by such Board of Control, and for the purpose of providing food, medical care, salaries of doctors, nurses, attendants and other employees, and doing all other things necessary in the hospitalization of indigent tuberculosis patients as provided in the Statutes governing the operation of the State Tuberculosis Sanatorium.

"Sec. 2. The fact that there has been an increasing incidence of tuberculosis in the State of Texas during the recent period of depression and the lack of sufficient facilities at the State Tuberculosis Sanatorium, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

Mr. Hankamer raised a point of order on further consideration of the amendment by Mr. Farmer, on the ground that the amendment violates Section 30, of Article III, of the Constitution, and the amendment seeks to change the original purpose of the bill.

Mr. Aikin moved that further consideration of Senate Bill No. 20, be postponed until 2:00 o'clock p. m., next Monday.

Mr. Clayton moved to table the motion by Mr. Aikin.

Question first recurring on the motion to table, it was lost.

Question then recurring on the motion by Mr. Aikin to postpone further consideration of Senate Bill No. 20

until 2:00 o'clock p. m., next Monday, it prevailed.

Question—Shall the point of order be sustained?

COMMUNICATION TO MEMBERS OF THE HOUSE

The Speaker laid before the House, and had read the following communication:

Washington, D. C.,

October 11, 1935.

Hon. Coke Stevenson, Speaker, House of Representatives.

"Have ascertained after interview with Bureau of Budget that sending of one hundred thousand dollar check was not a limitation of the Brazos project but merely an indication to Mr. Drought that Federal government had authorized entire project the Bureau of Budget states that it is now the duty of Mr. Drought to say how much of the relief funds allotted to Texas he can use on the Brazos not exceeding thirty million dollars the total cost of the project I am having an official report of the project prepared today by the Budget to send to the Attorney General of Texas in order that he may have official notice of what the Federal government has done as a basis for a ruling that funds heretofore voted by the State may now be made available."

MORRIS SHEPPARD.

MESSAGE FROM THE SENATE

Austin, Texas, October 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has refused to concur in House amendments to Senate Bill No. 16, and requests the appointment of a conference committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators Small, Rawlings, Redditt, Isbell and Holbrook.

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 43 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 43, relative to the compensa-

tion of district, county and precinct officers, on its passage to engrossment.

The bill having heretofore been read second time, with committee amendment by Mr. England, and amendment by Mr. Pope to the committee amendment, pending.

Mr. Rogers called for a division of the question in the amendment offered by Mr. Pope.

Question first recurring on that section of the amendment designated as subdivisions "a" and "aa," it was adopted.

(Mr. Hanna in the Chair.)

Mr. Hofheinz moved to reconsider the vote by which that section of the amendment was adopted.

The motion to reconsider was lost.

Question—Shall subdivision "b" of the amendment be adopted?

(Speaker in the Chair.)

Question then recurring on subdivision "b" of the amendment, it was adopted.

The amendment by Mr. Pope in its entirety was then adopted.

Mr. Roane moved the previous question on the committee amendment, and the passage of House Bill No. 43 to engrossment, and the main question was ordered.

The committee amendment, as amended, was then adopted.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 43 was then passed to engrossment.

HOUSE BILL NO. 43 ON THIRD READING

Mr. Wood of Harrison moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 43 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—103

Adamson	Bradbury
Adkins	Bradford
Alexander	Burton
Alsup	Butler of Karnes
Ash	Cagle
Atchison	Caldwell
Bergman	Celaya

Clayton	Lindsey
Collins	Lotief
Colquitt	Luker
Colson	Mauritz
Craddock	McCalla
Crossley	McConnell
Davisson	McFarland
of Eastland	McKee
Dickison	McKinney
Dunagan	Moore
Dunlap of Hays	Morris
Dunlap of Kleberg	Morrison
Duvall	Morse
Fain	Nicholson
Farmer	Padgett
Fisher	Patterson
Fox	Payne
Frazer	Quinn
Fuchs	Reed of Bowie
Gibson	Reed of Dallas
Good	Riddle
Hankamer	Roach of Angelina
Hanna	Roach of Hunt
Harris of Archer	Roane
Harris of Dallas	Roark
Hartzog	Roberts
Head	Rogers
Herzik	Russell
Hodges	Sessions
Hofheinz	Spears
Holland	Stanfield
Hoskins	Stinson
Huddleston	Stovall
Hunt	Tarwater
Jefferson	Tennyson
Jones of Atascosa	Thornton
Jones of Falls	Venable
Jones of Shelby	Walker
Jones of Wise	Wells
King	Westfall
Knetsch	Wood of Harrison
Lange	Wood of Montague
Lanning	Worley
Leath	Young
Lemens	Youngblood

Nays—13

Aikin	Keefe
Beck	Lucas
Broyles	Rutta
Glass	Shofner
Hardin	Steward
Hunter	Tillery
Hyder	

Absent

Butler of Brazos	Dwyer
Calvert	England
Canon	Ford
Cowley	Graves
Daniel	Gray
Davis	Greathouse
Davison of Fisher	Howard

Jackson	Palmer
James	Petsch
Latham	Pope
Leonard	Scarborough
Moffett	Smith
Newton	Waggoner
Olsen	

Absent—Excused

Bourne	Hill
Cooper	Reader
Fitzwater	Settle

The Speaker then laid House Bill No. 43 before the House on its third reading and final passage.

The bill was read third time.

Mr. Quinn offered the following amendment to the bill:

Amend House Bill No. 43, by adding at the end of Section 21, page 20, line 11, of printed bill, the following:

"In all counties where the sheriffs are paid a salary in lieu of fees, the matter of feeding prisoners confined in the county jail, as well as the purchase of groceries and other supplies for such prisoners, shall be placed in charge of the county commissioners' court, and the sheriff shall not be allowed any profit on the feeding of such prisoners, and all laws and parts of laws in conflict herewith are repealed."

The amendment was lost.

House Bill No. 43 was then passed by the following vote:

Yeas—95

Adamson	Fisher
Adkins	Frazer
Alexander	Fuchs
Alsup	Gibson
Ash	Good
Bradford	Hankamer
Burton	Hanna
Butler of Brazos	Harris of Archer
Butler of Karnes	Harris of Dallas
Caldwell	Head
Celaya	Herzik
Clayton	Hodges
Collins	Holland
Colquitt	Hoskins
Colson	Huddleston
Craddock	Hunt
Crossley	Jackson
Davison of Fisher	James
Dickison	Jefferson
Dunagan	Jones of Atascosa
Dunlap of Hays	Jones of Falls
Dunlap of Kleberg	Jones of Shelby
Duvall	Jones of Wise
Dwyer	King
Fain	Knetsch

Lanning	Roane
Latham	Roark
Leath	Roberts
Lemens	Rogers
Lindsey	Russell
Luker	Sessions
Mauritz	Smith
McFarland	Spears
McKee	Stanfield
McKinney	Stinson
Moore	Stovall
Morris	Tarwater
Morse	Tennyson
Nicholson	Thornton
Olsen	Venable
Padgett	Walker
Palmer	Wells
Pope	Westfall
Quinn	Wood of Harrison
Reed of Bowie	Wood of Montague
Reed of Dallas	Young
Riddle	Youngblood
Roach of Angelina	

Nays—29

Aikin	Hyder
Atchison	Keefe
Beck	Lotief
Bergman	Lucas
Bradbury	McCalla
Broyles	McConnell
Cagle	Morrison
Farmer	Patterson
Fox	Payne
Glass	Rutta
Hardin	Shofner
Hartzog	Steward
Hofheinz	Tillery
Howard	Worley
Hunter	

Absent

Calvert	Gray
Canon	Greathouse
Cowley	Lange
Daniel	Leonard
Davis	Moffett
Davisson	Newton
of Eastland	Petsch
England	Roach of Hunt
Ford	Scarborough
Graves	Waggoner

Absent—Excused

Bourne	Hill
Cooper	Reader
Fitzwater	Settle

HOUSE BILL NO. 134 ON SECOND READING

On motion of Mr. Quinn (by unanimous consent), the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 134, A bill to be entitled "An Act granting aid to the property in and inhabitants of Orange County, Texas, made necessary by reason of the location of Orange County on the Gulf Coast and by reason of the calamitous overflows, floods and storms which caused great destruction of property and loss of life in said county; etc., and declaring an emergency."

The Speaker then laid House Bill No. 134 before the House, and it was read second time.

Mr. Quinn offered the following committee amendment to the bill:

"Amend House Bill No. 134 by correcting the figures in line 29, Section 1, to conform with the rest of the bill."

The amendment was adopted.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

The roll of the House was called and the vote announced as follows:

Yeas—63

Adkins	Jones of Wise
Alsup	Lange
Ash	Lanning
Bergman	Leath
Bradford	Mauritz
Broyles	McConnell
Burton	McKee
Butler of Brazos	McKinney
Clayton	Moore
Collins	Morris
Colson	Morrison
Craddock	Nicholson
Davison of Fisher	Padgett
Dickison	Palmer
Dunagan	Payne
Dunlap of Hays	Pope
Duvall	Quinn
Fisher	Reed of Dallas
Fox	Riddle
Frazer	Roach of Hunt
Gibson	Roane
Glass	Roark
Graves	Rutta
Gray	Smith
Hankamer	Spears
Hanna	Stanfield
Hardin	Stinson
Head	Thornton
Herzik	Walker
Hodges	Westfall
Jackson	Wood of Montague
Jones of Falls	

Nays—29

Adamson	Atchison
Aikin	Colquitt

Fain	McFarland
Farmer	Moffett
Harris of Archer	Patterson
Hofheinz	Reed of Bowie
Huddleston	Roberts
Hunt	Rogers
Hunter	Russell
James	Shofner
Jones of Atascosa	Stovall
Knetsch	Tennyson
Lemens	Wood of Harrison
Lotief	Youngblood
Lucas	

Present—Not Voting

Bradbury	Sessions
Lindsey	Worley
Luker	

Absent

Alexander	Holland
Beck	Hoskins
Butler of Karnes	Howard
Cagle	Jefferson
Caldwell	Jones of Shelby
Calvert	Keefe
Canon	King
Celaya	Latham
Cowley	Leonard
Crossley	McCalla
Daniel	Morse
Davis	Newton
Davisson	Olsen
of Eastland	Petsch
Dunlap of Kleberg	Roach of Angelina
Dwyer	Scarborough
England	Steward
Ford	Tarwater
Fuchs	Tillery
Good	Venable
Greathouse	Waggoner
Harris of Dallas	Wells
Hartzog	Young

Absent—Excused

Bourne	Hyder
Cooper	Reader
Fitzwater	Settle
Hill	

Mr. Duvall raised the point of order that there was not a quorum present.

The Speaker sustained the point of order.

Mr. Aikin moved a call of the House for the purpose of securing and maintaining a quorum until 5:00 o'clock p. m., today, and the call was duly seconded.

Question recurring on the motion for the call of the House, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—61

Aikin	Lucas
Alsup	Luker
Ash	McConnell
Bergman	McFarland
Burton	McKee
Collins	McKinney
Craddock	Moffett
Crossley	Moore
England	Patterson
Fain	Payne
Farmer	Pope
Fisher	Reed of Bowie
Fox	Riddle
Fuchs	Roark
Gibson	Roberts
Glass	Rogers
Good	Rutta
Gray	Sessions
Harris of Archer	Spears
Head	Stanfield
Herzik	Stinson
Hodges	Stovall
Howard	Tarwater
Huddleston	Tennyson
Hunt	Walker
Hunter	Westfall
James	Wood of Harrison
Jones of Wise	Wood of Montague
King	Worley
Lindsey	Youngblood
Lotief	

Nays—42

Adamson	Harris of Dallas
Adkins	Hartzog
Atchison	Hofheinz
Bradbury	Jackson
Bradford	Jefferson
Broyles	Jones of Falls
Butler of Brazos	Lanning
Cagle	Lemens
Caldwell	Mauritz
Clayton	Morrison
Colquitt	Nicholson
Colson	Padgett
Davison of Fisher	Palmer
Davisson	Reed of Dallas
of Eastland	Roach of Angelina
Dickison	Roach of Hunt
Dunagan	Roane
Frazer	Russell
Graves	Smith
Hankamer	Thornton
Hanna	Tillery
Hardin	

Absent

Alexander	Canon
Beck	Celaya
Butler of Karnes	Cowley
Calvert	Daniel

Davis	Leonard
Dunlap of Hays	McCalla
Dunlap of Kleberg	Morris
Duvall	Morse
Dwyer	Newton
Ford	Olsen
Greathouse	Petsch
Holland	Quinn
Hoskins	Scarborough
Jones of Atascosa	Shofner
Jones of Shelby	Steward
Keefe	Venable
Knetsch	Waggoner
Lange	Wells
Latham	Young
Leath	

Absent—Excused

Bourne	Hyder
Cooper	Reader
Fitzwater	Settle
Hill	

On motion of Mr. Aikin, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

The Speaker announced a quorum present.

Question—Shall House Bill No. 134 pass to engrossment?

Mr. Jones of Wise offered the following amendment to the bill:

Amend House Bill No. 134 by adding at end of Section 2 the following:

“Provided that all grants, remissions, and donations hereunder shall apply to taxes levied and collected for State general revenue purposes only.”

The amendment was adopted.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 134 was then passed to engrossment.

MOTION TO TAKE UP HOUSE BILL NO. 134

Mr. Quinn moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 134 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths votes) by the following vote:

Yeas—55

Alsup	Bradford
Bergman	Burton
Bradbury	Clayton

Collins	Lanning
Colson	Leath
Dunagan	Lemens
Duvall	Lindsey
England	Mauritz
Farmer	McConnell
Fisher	McKee
Fox	Moore
Frazer	Morris
Gibson	Nicholson
Glass	Olsen
Good	Padgett
Graves	Quinn
Gray	Riddle
Hankamer	Roark
Harris of Archer	Rutta
Herzik	Scarborough
Hill	Sessions
Hodges	Stanfield
Holland	Thornton
Jackson	Walker
Jones of Falls	Westfall
Jones of Shelby	Young
Jones of Wise	Youngblood
Knetsch	

Nays—48

Aikin	Lotief
Alexander	Lucas
Atchison	McFarland
Broyles	Moffett
Butler of Karnes	Morrison
Cagle	Morse
Craddock	Palmer
Crossley	Patterson
Davison of Fisher	Payne
Dickison	Reed of Bowie
Dwyer	Reed of Dallas
Fain	Roach of Angelina
Fuchs	Roach of Hunt
Hanna	Roberts
Hardin	Rogers
Harris of Dallas	Russell
Hofheinz	Shofner
Howard	Spears
Huddleston	Stovall
Hunter	Tennyson
James	Tillery
Jefferson	Wells
Jones of Atascosa	Wood of Harrison
King	Wood of Montague

Present—Not Voting

Worley

Absent

Adamson	Celaya
Adkins	Colquitt
Ash	Cowley
Beck	Daniel
Butler of Brazos	Davis
Caldwell	Davisson
Calvert	of Eastland
Canon	Dunlap of Hays

Dunlap of Kleberg	McCalla
Ford	McKinney
Greathouse	Newton
Hartzog	Petsch
Head	Pope
Hoskins	Roane
Hunt	Smith
Keefe	Steward
Lange	Stinson
Latham	Tarwater
Leonard	Venable
Luker	Waggoner

Absent—Excused

Bourne	Hyder
Cooper	Reader
Fitzwater	Settle

MOTIONS FOR SPECIAL ORDER

Mr. Spears moved that House Bill No. 34, be set as special order for 10:00 o'clock a. m., next Monday.

Mr. Hanna moved, as an amendment to the motion by Mr. Spears, that House Bill No. 34 be set as special order for 12:00 o'clock m., next Tuesday.

Question recurring on the motion by Mr. Hanna, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—51

Adkins	Latham
Atchison	Leonard
Bergman	Luker
Bradford	Mauritz
Broyles	McKee
Caldwell	McKinney
Celaya	Morse
Clayton	Nicholson
Colson	Petsch
Dunagan	Pope
Duvall	Quinn
Dwyer	Reed of Dallas
England	Roane
Glass	Rogers
Hanna	Russell
Harris of Dallas	Scarborough
Hartzog	Smith
Hill	Stanfield
Holland	Steward
Hoskins	Stinson
Howard	Thornton
James	Walker
Jefferson	Wells
King	Worley
Knetsch	Young
Lange	

Nays—71

Adamson	Jones of Shelby
Aikin	Jones of Wise
Alexander	Lanning
Alsup	Leath
Ash	Lindsey
Bradbury	Lotief
Burton	Lucas
Butler of Karnes	McConnell
Cagle	McFarland
Collins	Moffett
Colquitt	Moore
Craddock	Morris
Crossley	Olsen
Davison of Fisher	Padgett
Dickison	Palmer
Fain	Patterson
Farmer	Payne
Fisher	Reed of Bowie
Fox	Riddle
Frazer	Roach of Angelina
Fuchs	Roach of Hunt
Gibson	Roark
Good	Roberts
Graves	Rutta
Gray	Sessions
Hankamer	Shofner
Harris of Archer	Spears
Head	Stovall
Herzik	Tarwater
Hodges	Tennyson
Hofheinz	Tillery
Hunt	Westfall
Hunter	Wood of Harrison
Jackson	Wood of Montague
Jones of Atascosa	Youngblood
Jones of Falls	

Present—Not Voting

Lemens

Absent

Beck	Ford
Butler of Brazos	Greathouse
Calvert	Hardin
Canon	Huddleston
Cowley	Keefe
Daniel	McCalla
Davis	Morrison
Davisson	Newton
of Eastland	Venable
Dunlap of Hays	Waggoner
Dunlap of Kleberg	

Absent—Excused

Bourne	Hyder
Cooper	Reader
Fitzwater	Settle

Mr. Fain moved, as an amendment to the motion by Mr. Spears, that House Bill No. 34, be set as special order for 10:00 o'clock a. m., Saturday, October 12.

Question recurring on the motion by Mr. Fain, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—50

Aikin	Lucas
Ash	Luker
Atchison	McConnell
Bradbury	McFarland
Burton	Olsen
Cagle	Padgett
Craddock	Palmer
Davison of Fisher	Patterson
Dwyer	Petsch
Fain	Reed of Bowie
Farmer	Riddle
Fisher	Roberts
Fox	Rogers
Fuchs	Rutta
Glass	Sessions
Gray	Shofner
Herzik	Spears
Hunt	Stovall
Jones of Atascosa	Tarwater
Jones of Falls	Tennyson
Jones of Shelby	Venable
Jones of Wise	Wells
Lemens	Wood of Harrison
Lindsey	Wood of Montague
Lotief	Youngblood

Nays—70

Adamson	Howard
Adkins	Hunter
Alexander	Jackson
Alsup	James
Bergman	King
Bradford	Knetsch
Broyles	Lange
Butler of Karnes	Lanning
Caldwell	Latham
Celaya	Leath
Clayton	Leonard
Collins	Mauritz
Colquitt	McKee
Crossley	McKinney
Dunagan	Moffett
Duvall	Moore
England	Morris
Gibson	Morrison
Good	Morse
Graves	Nicholson
Hankamer	Payne
Hanna	Pope
Harris of Archer	Quinn
Harris of Dallas	Reed of Dallas
Hartzog	Roach of Angelina
Hill	Roach of Hunt
Hodges	Roane
Hofheinz	Roark
Holland	Russell
Hoskins	Scarborough

Smith
Stanfield
Steward
Stinson
Thornton

Tillery
Walker
Westfall
Worley
Young

Absent

Beck	Dunlap of Kleberg
Butler of Brazos	Ford
Calvert	Frazer
Canon	Greathouse
Colson	Hardin
Cowley	Head
Daniel	Huddleston
Davis	Jefferson
Davisson	Keefe
of Eastland	McCalla
Dickison	Newton
Dunlap of Hays	Waggoner

Absent—Excused

Bourne	Hyder
Cooper	Reader
Fitzwater	Settle

Question then recurring on the motion by Mr. Spears, that House Bill No. 34 be set as a special order for 10:00 o'clock a. m., next Monday, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—58

Aikin	Lemens
Alexander	Lindsey
Alsup	Lotief
Ash	McConnell
Atchison	McFarland
Bradbury	Moffett
Burton	Morris
Cagle	Olsen
Craddock	Padgett
Davison of Fisher	Palmer
Dickison	Patterson
England	Payne
Fain	Reed of Bowie
Farmer	Riddle
Fisher	Roach of Angelina
Fox	Roach of Hunt
Fuchs	Roberts
Glass	Rogers
Graves	Shofner
Gray	Spears
Harris of Archer	Stovall
Head	Tarwater
Herzik	Tennyson
Hunt	Tillery
Jones of Atascosa	Venable
Jones of Falls	Wells
Jones of Shelby	Wood of Harrison
Jones of Wise	Wood of Montague
Lanning	Youngblood

Nays—61

Adamson	King
Adkins	Knetsch
Bergman	Lange
Broyles	Latham
Butler of Karnes	Leath
Caldwell	Leonard
Celaya	Lucas
Clayton	Mauritz
Collins	McKee
Colquitt	McKinney
Colson	Moore
Crossley	Morrison
Dunagan	Morse
Duvall	Nicholson
Dwyer	Pope
Gibson	Quinn
Good	Reed of Dallas
Hankamer	Roane
Hanna	Roark
Harris of Dallas	Russell
Hartzog	Rutta
Hill	Scarborough
Hodges	Smith
Hofheinz	Stanfield
Holland	Steward
Hoskins	Stinson
Howard	Thornton
Hunter	Walker
Jackson	Worley
James	Young
Jefferson	

Present—Not Voting

Luker

Absent

Beck	Ford
Bradford	Frazer
Butler of Brazos	Greathouse
Calvert	Hardin
Canon	Huddleston
Cowley	Keefe
Daniel	McCalla
Davis	Newton
Davisson	Petsch
of Eastland	Sessions
Dunlap of Hays	Waggoner
Dunlap of Kleberg	Westfall

Absent—Excused

Bourne	Hyder
Cooper	Reader
Fitzwater	Settle

SPECIAL ORDER SET

Mr. Morrison moved that House Bill No. 16, be set as special order for 10:00 o'clock a. m., on the next legislative day.

Question recurring on the motion by Mr. Morrison, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—110

Adamson	Lanning
Adkins	Latham
Aikin	Leath
Alexander	Lemens
Alsup	Leonard
Ash	Lindsey
Atchison	Lotief
Bergman	Lucas
Bradbury	Luker
Bradford	Mauritz
Broyles	McConnell
Burton	McFarland
Butler of Brazos	McKee
Butler of Karnes	McKinney
Cagle	Moffett
Caldwell	Moore
Celaya	Morris
Collins	Morrison
Colquitt	Morse
Colson	Nicholson
Craddock	Olsen
Crossley	Padgett
Dickison	Patterson
Dunagan	Pope
Duvall	Reed of Bówie
Dwyer	Reed of Dallas
England	Riddle
Fain	Roach of Angelina
Farmer	Roach of Hunt
Fisher	Roane
Fox	Roark
Frazer	Roberts
Fuchs	Rogers
Gibson	Russell
Glass	Rutta
Gray	Scarborough
Hanna	Sessions
Harris of Archer	Shofner
Harris of Dallas	Smith
Hartzog	Spears
Herzik	Stanfield
Hill	Stinson
Hodges	Stovall
Hofheinz	Tennyson
Holland	Thornton
Huddleston	Tillery
Hunt	Venable
Hunter	Walker
Hyder	Wells
James	Westfall
Jones of Atascosa	Wood of Harrison
Jones of Falls	Wood of Montague
Jones of Shelby	Worley
Jones of Wise	Young
Knetsch	Youngblood

Nays—6

Clayton	Jackson
Graves	King
Hankamer	Steward

Present—Not Voting

Davison of Fisher

Absent

Beck	Head
Calvert	Hoskins
Canon	Howard
Cowley	Jefferson
Daniel	Keefe
Davis	Lange
Davisson	McCalla
of Eastland	Newton
Dunlap of Hays	Palmer
Dunlap of Kleberg	Payne
Ford	Petsch
Good	Quinn
Greathouse	Tarwater
Hardin	Waggoner

Absent—Excused

Bourne	Reader
Cooper	Settle
Fitzwater	

HOUSE BILL NO. 137 ON SECOND READING

On motion of Mr. Moffett, the regular order of business, was suspended, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 137, A bill to be entitled "An Act creating the Pease River Flood Control District, a conservation and reclamation district, to be a governmental agency, body politic and corporate; prescribing and limiting the powers, rights, privileges, functions, and liabilities of such District, and prescribing the manner of their exercise; making an appropriation; declaring the Act to be severable; and declaring an emergency."

The Speaker then laid House Bill No. 137 before the House, and it was read second time.

Mr. Rogers offered the following amendment to the bill:

Amend House Bill No. 137, by striking out "Section 9," and renumbering sections accordingly.

On motion of Mr. Walker, the amendment was tabled.

Mr. Alsup offered the following amendment to the bill:

"Amend House Bill No. 137, so as to provide that the appropriations in this bill shall not be granted until loans have been made by the Federal government."

On motion of Mr. Moffett, the amendment was tabled.

Mr. Hunt offered the following amendment to the bill:

Amend House Bill No. 137 so as to include "Sulphur River."

Mr. Moffett raised a point of order on further consideration of the amendment by Mr. Hunt, on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

House Bill No. 137 was then passed to engrossment.

HOUSE BILL NO. 137 ON THIRD READING

Mr. Moffett moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 137 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—90

Adkins	Hyder
Alexander	Jackson
Bradbury	Jones of Atascosa
Bradford	Jones of Shelby
Burton	Jones of Wise
Butler of Brazos	King
Butler of Karnes	Lange
Cagle	Lanning
Clayton	Latham
Colson	Leath
Crossley	Lemens
Daniel	Leonard
Davison of Fisher	Lindsey
England	Lotief
Fain	Mauritz
Fisher	McConnell
Fox	McFarland
Frazer	McKee
Fuchs	McKinney
Glass	Moffett
Graves	Moore
Gray	Morris
Hankamer	Morrison
Hardin	Morse
Harris of Archer	Nicholson
Harris of Dallas	Olsen
Hartzog	Palmer
Herzik	Patterson
Hodges	Petsch
Hofheinz	Pope
Hoskins	Quinn
Howard	Reed of Dallas
Huddleston	Riddle
Hunt	Roach of Angelina
Hunter	Roach of Hunt

Roark
Roberts
Rogers
Rutta
Sessions
Shofner
Smith
Stanfield
Steward
Tarwater

Tennyson
Thornton
Tillery
Walker
Wells
Westfall
Wood of Montague
Worley
Young
Youngblood

Nays—21

Adamson
Aikin
Alsup
Atchison
Bergman
Broyles
Colquitt
Craddock
Dunagan
Gibson
Hanna

James
Knetsch
Lucas
Luker
Reed of Bowie
Russell
Scarborough
Stovall
Venable
Wood of Harrison

Present—Not Voting

Collins

Absent

Ash	Ford
Beck	Good
Caldwell	Greathouse
Calvert	Head
Canon	Holland
Celaya	Jefferson
Cowley	Jones of Falls
Davis	Keefe
Davisson	McCalla
of Eastland	Newton
Dickison	Padgett
Dunlap of Hays	Payne
Dunlap of Kleberg	Roane
Duvall	Spears
Dwyer	Stinson
Farmer	Waggoner

Absent—Excused

Bourne	Hill
Cooper	Reader
Fitzwater	Settle

The Speaker then laid House Bill No. 137 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—101

Adkins	Butler of Brazos
Alexander	Butler of Karnes
Ash	Cagle
Bradbury	Clayton
Bradford	Colson
Burton	Crossley

Davison of Fisher	Lindsey
Davison	Lotief
of Eastland	Mauritz
Dickison	McConnell
Dunagan	McFarland
Dunlap of Hays	McKee
Dunlap of Kleberg	McKinney
England	Moffett
Fain	Moore
Farmer	Morris
Fisher	Morrison
Fox	Morse
Frazer	Nicholson
Fuchs	Olsen
Glass	Padgett
Graves	Palmer
Gray	Patterson
Hankamer	Payne
Hardin	Petsch
Harris of Archer	Pope
Harris of Dallas	Quinn
Hartzog	Reed of Dallas
Head	Riddle
Hill	Roach of Angelina
Hodges	Roark
Hoskins	Roberts
Howard	Rogers
Huddleston	Rutta
Hunter	Sessions
Hyder	Shofner
Jackson	Smith
James	Stanfield
Jefferson	Steward
Jones of Atascosa	Stinson
Jones of Falls	Tarwater
Jones of Shelby	Tennyson
Jones of Wise	Thornton
King	Tillery
Knetsch	Walker
Lange	Wells
Lanning	Westfall
Latham	Wood of Montague
Leath	Worley
Lemens	Young
Leonard	Youngblood

Nays—20

Adamson	Lucas
Aikin	Luker
Alsup	Reed of Bowie
Atchison	Roach of Hunt
Bergman	Roane
Broyles	Russell
Colquitt	Scarborough
Craddock	Stovall
Gibson	Venable
Hanna	Wood of Harrison

Present—Not Voting

Collins	Herzik
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Absent

Beck	Calvert
Caldwell	Canon

Celaya	Hofheinz
Cowley	Holland
Daniel	Hunt
Davis	Keefe
Duvall	McCalla
Dwyer	Newton
Ford	Spears
Good	Waggoner
Greathouse	

Absent—Excused

Bourne	Reader
Cooper	Settle
Fitzwater	

HOUSE BILL NO. 60 ON SECOND READING

Mr. Worley moved that the regular order of business, be suspended, at this time, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 60, A bill to be entitled "An Act prescribing the amount of deductions from contributions of certificate holders made by the licensee of proprietor of any horse racing establishment within this State; etc., and declaring an emergency."

The motion prevailed by the following vote:

Yeas—89

Adamson	Herzik
Adkins	Hodges
Aikin	Hofheinz
Alexander	Hoskins
Alsup	Huddleston
Ash	Hunt
Bergman	Hunter
Bradbury	Hyder
Bradford	Jones of Atascosa
Broyles	Jones of Falls
Burton	Jones of Shelby
Butler of Brazos	Jones of Wise
Cagle	King
Craddock	Knetsch
Crossley	Lanning
Davison of Fisher	Latham
Dickison	Leath
Dunlap of Hays	Leonard
England	Lindsey
Fain	Lotief
Farmer	Lucas
Fisher	Luker
Fox	Mauritz
Fuchs	McConnell
Gibson	McFarland
Glass	McKinney
Good	Moffett
Gray	Moore
Hardin	Morris
Harris of Archer	Morrison

Olsen	Spears
Padgett	Steward
Palmer	Stovall
Patterson	Tennyson
Payne	Thornton
Quinn	Tillery
Reed of Bowie	Venable
Riddle	Wells
Roach of Angelina	Westfall
Roach of Hunt	Wood of Harrison
Roark	Wood of Montague
Roberts	Worley
Rogers	Young
Rutta	Youngblood
Shofner	

Nays—23

Caldwell	Jackson
Clayton	James
Collins	Jefferson
Colquitt	McKee
Colson	Morse
Dunagan	Reed of Dallas
Duvall	Russell
Dwyer	Scarborough
Frazer	Smith
Hankamer	Stinson
Hanna	Walker
Harris of Dallas	

Absent

Atchison	Head
Beck	Holland
Butler of Karnes	Howard
Calvert	Keefe
Canon	Lange
Celaya	Lemens
Cowley	McCalla
Daniel	Newton
Davis	Nicholson
Davisson	Petsch
of Eastland	Pope
Dunlap of Kleberg	Roane
Ford	Sessions
Graves	Stanfield
Greathouse	Tarwater
Hartzog	Waggoner

Absent—Excused

Bourne	Hill
Cooper	Reader
Fitzwater	Settle

The Speaker then laid House Bill No. 60 before the House, and it was read second time.

Mr. Worley offered the following amendment to the bill:

Amend House Bill No. 60 by striking out all below the enacting clause, and inserting in lieu thereof the following:

"Section 1. Sub-section 5 of Section 1, Chapter 10, Acts of the First Called

Session of the Forty-third Legislature be, and the same is hereby, amended and re-enacted as to hereafter read as follows:

"Sub-section 1. Any person or persons, association or incorporation desiring to conduct racing of horses in Texas and to use in connection therewith the said certificate system, as in this Act authorized, shall make application in writing to the Racing Commission for license so to do. On the filing of such application, the Commission shall promptly cause to be published in a newspaper of general circulation in the county where the license to conduct racing is sought, and if there be no such newspaper in such county, then in a newspaper of general circulation in the nearest county, a brief notice of the contents of the application. If the newspaper used shall be a daily paper, then there shall be three insertions of such notice four (4) days apart. If the newspaper used be a weekly paper, then in two successive issues thereof. The expense of such publication shall be paid by the applicant, and the Commission shall have the right to require from the applicant a deposit with it of the estimated amount prior to the making of such publications.

"On the completion of such publication, and if there shall be opposition to the granting of such application, the Commission shall set a hearing on the application, and give written notice to all interested parties of the time and place of the hearing, allowing reasonable time and opportunity for interested parties to be so heard.

"The application shall be acted on by the Commission within not exceeding twenty (20) days from the completion of the giving of such notice unless for good cause the Commission shall postpone action thereon. The application shall be finally acted on by the Commission within not exceeding sixty (60) days from the date of the filing of the application.

"The application shall state the days on which such racing is desired to be conducted; it shall describe the place and race track or course at which the races are to be conducted; it shall be in such form and supply such facts as the Commission shall prescribe, and such application shall be verified. If the applicant is eligible to receive a license under the provisions of this law, it shall be the

duty of the Racing Commission to fix the racing days as it determines shall be allotted to such applicant, and the Commission shall issue a license for the holding of the meeting or meetings so sought to be held. The license issued shall describe the place and track or race course at which the licensee is authorized to hold such meeting or meetings, and the authority conferred in any one license shall be limited to a twelve (12) months period from the date of the license; provided, however, the Commission may, in its discretion, for good cause, to be shown in writing by the applicant, issue such license for a three (3) year period from the date thereof. The rights granted by the license shall not be assignable, except on application to the Commission for authority so to do, and the permission of the Commission obtained.

"The licensee shall pay to the Commission in advance, as a condition of granting of the license, a license fee for each race meeting authorized to be held, the amounts respectively thus stated, to-wit:

"If the race meet is to be conducted in a city or town of a population not exceeding three thousand (3,000) inhabitants, or within fifteen (15) miles thereof, such license fee shall be One Hundred Dollars (\$100.00); if in a city of more than three thousand (3,000) and not exceeding ten thousand (10,000) inhabitants, or within fifteen (15) miles thereof, such license fee shall be the sum of Two Hundred Dollars (\$200.00); if in a city of more than ten thousand (10,000) and not exceeding twenty thousand (20,000) inhabitants, or within fifteen (15) miles thereof, such license fee shall be the sum of Five Hundred Dollars (\$500.00); if in a city of more than twenty thousand (20,000) and not exceeding fifty thousand (50,000) inhabitants, or within fifteen (15) miles thereof, such license fee shall be the sum of One Thousand Dollars (\$1,000.00); if in a city of more than fifty thousand (50,000) and not exceeding one hundred thousand (100,000) inhabitants, or within fifteen (15) miles thereof, such license fee shall be the sum of Fifteen Hundred Dollars (\$1500.00); and if in a city of more than one hundred thousand (100,000) inhabitants, or within twenty-five miles thereof, such license fee shall be the sum of

Two Thousand Dollars (\$2,000.00); such population to be determined by the last preceding census of the United States.

"The license fees so received by the Racing Commission shall be promptly remitted to the Treasurer of the State of Texas through the State Comptroller of Public Accounts, and shall become and be a part of the Special Racing Fund hereinafter mentioned.

"Cancellation, for any cause authorized under this Act, shall not entitle the licensee to a refund of the fee or any part thereof paid for such license.

"The Commission may, within its discretion, limit the issuance of licenses to one per county in any one calendar year.

"The license issued shall expressly provide that the licensee shall, in addition to license fees paid, remit to the Treasurer of the State of Texas, through the State Comptroller, at the end of each race meeting, such amounts as may be hereinafter provided received as commission or compensation by the licensee, as authorized by this Act. This Fund, when received by the Treasurer, shall be held by him and credited as a Special Racing Fund.

"The expenses incurred and authorized by virtue of this Act, shall be payable out of the Special Racing Fund, not otherwise, and so much thereof as may be necessary is hereby appropriated and all amounts shall be paid upon accounts approved by the Chairman of the Racing Commission and warrants drawn against said fund by the Comptroller on the State Treasurer.

"The Treasurer of the State of Texas, in December of each year, shall make a complete statement of the amount he has received within the calendar year under the provisions of this Act. After there shall have been charged against this Fund the theretofore paid out operating expenses of the Racing Commission in that year as herein authorized, and the additional amount which the Racing Commission shall estimate as being required to be paid out in that year, and, in addition thereto, such amount as the said Racing Commission shall estimate as the expenses for the operating of the Commission for the next succeeding calendar year, the amount then remaining in this Fund shall be held for and disbursed thus, viz:

"After providing for the operating expenses of the Racing Commission as aforesaid, an amount equal to twenty-five per cent (25%) of the funds remaining in the Special Racing Fund shall, by the Treasurer of the State of Texas, be paid into and credited to the Available Public Free School Fund of the State, as provided by the Constitution of the State of Texas. An amount equal to twenty-five per cent (25%) of the funds then remaining in the Special Racing Fund shall be used by the Commissioner of Agriculture of the State of Texas to purchase, transport, and deliver for distribution, well-bred and approved stallions and jacks throughout the State of Texas, and, in connection therewith, defray the actual reasonable expense incident to the purchase, transportation and maintenance of such animals, in order thereby to promote the breeding of better live stock in the State of Texas. After deducting from said Special Racing Fund the operating expenses of the Racing Commission as aforesaid, and after deducting from said Special Fund the said twenty-five per cent (25%) going to the Available Public Free School Fund, and after deducting the said twenty-five per cent (25%) to be so used by the Commissioner of Agriculture of the State of Texas, as aforesaid, the balance remaining in said Special Racing Fund, so far as it may be required, shall be used for the payment of the appropriations by the Legislature for the support and maintenance of the State Department of Agriculture as said appropriations for that Department shall be fixed and allowed by the Legislature of the State of Texas from time to time. It is further provided that any excess left in the Special Racing Fund, shall be, by the State Treasurer, divided into as many equal parts as there are counties in the State of Texas, and he shall thereupon immediately remit one of such equal parts to the County Treasurer of each county in the State of Texas, who shall pay the same into such lawful fund or funds of said county as shall be determined by the commissioners' court of said county; such commissioners' court is hereby expressly empowered to use such funds at their discretion for the purpose of employing cotton classers holding a cotton classing license from the United States Department of Agriculture, or the equivalent

of same, for the purpose of grading and stapling the cotton produced in such counties, making no charge to the growers of such cotton for such classification. The salary of each classer shall not be more than Two Hundred and Fifty (\$250.00) Dollars per month.

"Sub-section 2. The sum so dedicated and held by any such licensee shall constitute and be a trust fund belonging to the State of Texas, and the licensee operating such race course is hereby made and constituted the trustee of the State of Texas for the purpose of this Act. He shall keep an accurate record of all receipts and disbursements during any racing meet authorized by the Texas Racing Commission to be conducted by said licensee, which books and records shall, at all times, be open to inspection of the Comptroller of Public Accounts of the State of Texas, and to the Texas Racing Commission or their duly qualified agents; and at the close of each racing meet held by such licensee, he shall remit to the Treasurer of the State of Texas through the Texas Racing Commission as follows: where the pari-mutuel turnover is one million dollars or a fraction thereof, one-fourth of the ten per cent deducted by such licensee from the contributions of purchasers of certificates on horses to run first, second, and/or third in any given race, and he shall also remit to the Treasurer of the State of Texas all deductions of the odd cents of the redistributions of the next lowest multiple of five as provided for herein; and where the pari-mutuel turnover is more than one million dollars and not more than two million dollars, the licensee shall remit on the first million dollars as provided above, and on the second million dollars or fraction thereof, one-third of the ten per cent deducted by such licensee from the contributions of purchasers of certificates on horses to run first, second, and/or third in any given race, and he shall also remit to the Treasurer of the State of Texas all deductions of the odd cents of the redistributions of the next lowest multiple of five as provided for herein; and where the pari-mutuel turnover is more than two million dollars, the licensee shall remit on the first and second million dollars turnover as provided above, and on each million dollars or fraction

thereof in excess of two million dollars, such licensee shall remit two-fifths of the ten per cent deducted by such licensee from the contributions of purchasers of certificates on horses to run first, second, and/or third in any given race, and he shall also remit to the Treasurer of the State of Texas all deductions of the odd cents of the redistributions of the next lowest multiple of five as provided for herein. Failure of any person to collect and remit the sums prescribed herein in accordance herewith shall constitute the offense of embezzlement, and upon the conviction thereof, such person shall be punishable therefor as the law prescribes.

"Sub-section 3. All laws or parts of laws in conflict herewith are expressly repealed.

"Sub-section 4. The fact that the tax now levied and being collected on contributions to racing of horses under the certificate system as authorized by the Acts of the Forty-third Legislature, Regular Session, and amended by the Forty-third Legislature, First Called Session, page 10, 1933, is inadequate and the further fact that there is not being derived by the State at this time sufficient revenue from all sources to defray the costs of the State Government, creates an imperative public necessity that the constitutional rule requiring that bills be read on three several days be, and the same is hereby suspended, and this Act shall become effective from and after its passage."

The amendment was adopted.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Mr. Roberts moved that the call of the House be extended until 6:00 o'clock p. m., today.

Question recurring on the motion by Mr. Roberts, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—55

Aikin	Farmer
Alsup	Fisher
Burton	Fox
Crossley	Fuchs
Dunlap of Hays	Glass
England	Gray
Fain	Harris of Archer

Holland
Howard
Hunt
Hunter
Jones of Shelby
Jones of Wise
King
Latham
Leonard
Lindsey
Lotief
Lucas
Luker
McConnell
McFarland
McKinney
Moffett
Moore
Padgett
Palmer
Patterson

Quinn
Reed of Bowie
Reed of Dallas
Roach of Hunt
Roberts
Rogers
Rutta
Sessions
Smith
Steward
Stinson
Tarwater
Tennyson
Venable
Walker
Wells
Wood of Harrison
Wood of Montague
Worley
Youngblood

Nays—66

Adamson	Hodges
Adkins	Hoskins
Alexander	Huddleston
Ash	Hyder
Atchison	Jackson
Bergman	James
Bradbury	Jefferson
Bradford	Jones of Atascosa
Broyles	Jones of Falls
Butler of Karnes	Knetsch
Caldwell	Lange
Celaya	Lanning
Clayton	Leath
Collins	Lemens
Colquitt	Mauritz
Colson	McKee
Craddock	Morris
Davison of Fisher	Morrison
Dickison	Morse
Dunagan	Nicholson
Dunlap of Kleberg	Olsen
Dwyer	Payne
Frazer	Pope
Gibson	Riddle
Good	Roach of Angelina
Graves	Russell
Hankamer	Shofner
Hanna	Spears
Hardin	Stanfield
Harris of Dallas	Stovall
Hartzog	Thornton
Head	Tillery
Herzik	Westfall

Absent

Beck	Daniel
Butler of Brazos	Davis
Cagle	Davisson
Calvert	of Eastland
Canon	Duvall
Cowley	Ford

Greathouse	Roane
Hofheinz	Roark
Keefe	Scarborough
McCalla	Waggoner
Newton	Young
Petsch	

Absent—Excused

Bourne	Hill
Cooper	Reader
Fitzwater	Settle

House Bill No. 60 was then passed to engrossment.

HOUSE BILL NO. 60 ON THIRD READING

Mr. Worley moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 60 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—108

Adamson	Herzik
Adkins	Hodges
Aikin	Huddleston
Alexander	Hunt
Alsup	Hunter
Bergman	Hyder
Bradbury	Jackson
Bradford	Jefferson
Broyles	Jones of Atascosa
Burton	Jones of Falls
Butler of Brazos	Jones of Shelby
Butler of Karnes	Jones of Wise
Cagle	King
Caldwell	Knetsch
Clayton	Lanning
Collins	Latham
Colson	Leath
Craddock	Lemens
Crossley	Leonard
Dunagan	Lindsey
Dunlap of Hays	Lotief
Dunlap of Kleberg	Lucas
Dwyer	Luker
England	Mauritz
Fain	McConnell
Farmer	McFarland
Fisher	McKee
Fox	McKinney
Frazer	Moffett
Gibson	Moore
Glass	Morris
Good	Morrison
Gray	Olsen
Hankamer	Padgett
Hardin	Palmer
Harris of Archer	Patterson
Harris of Dallas	Payne
Hartzog	Pope

Quinn	Steward
Reed of Bowie	Stinson
Reed of Dallas	Stovall
Riddle	Tarwater
Roach of Angelina	Tennyson
Roach of Hunt	Thornton
Roark	Tillery
Roberts	Venable
Rogers	Walker
Russell	Wells
Rutta	Westfall
Sessions	Wood of Harrison
Shofner	Wood of Montague
Smith	Worley
Spears	Young
Stanfield	Youngblood

Nays—8

Colquitt	Hofheinz
Dickison	Howard
Duvall	James
Hanna	Morse

Present—Not Voting

Davis

Absent

Ash	Greathouse
Atchison	Head
Beck	Holland
Calvert	Hoskins
Canon	Keefe
Celaya	Lange
Cowley	McCalla
Daniel	Newton
Davison of Fisher	Nicholson
Davisson	Petsch
of Eastland	Roane
Ford	Scarborough
Fuchs	Waggoner
Graves	

Absent—Excused

Bourne	Hill
Cooper	Reader
Fitzwater	Settle

The Speaker then laid House Bill No. 60 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—113

Adamson	Broyles
Adkins	Burton
Aikin	Butler of Karnes
Alexander	Cagle
Alsup	Caldwell
Ash	Clayton
Atchison	Collins
Bergman	Colson
Bradford	Craddock

Crossley	Luker
Davis	Mauritz
Davisson	McConnell
of Eastland	McFarland
Dunagan	McKee
Dunlap of Hays	McKinney
Dunlap of Kleberg	Moffett
Dwyer	Moore
England	Morris
Fain	Morrison
Farmer	Olsen
Fisher	Padgett
Fox	Palmer
Frazer	Patterson
Fuchs	Payne
Gibson	Pope
Glass	Quinn
Good	Reed of Bowie
Graves	Reed of Dallas
Gray	Riddle
Hankamer	Roach of Angelina
Hardin	Roach of Hunt
Harris of Archer	Roark
Harris of Dallas	Roberts
Hartzog	Rogers
Head	Russell
Herzik	Rutta
Hodges	Scarborough
Hoskins	Sessions
Huddleston	Shofner
Hunt	Smith
Hunter	Stanfield
Hyder	Steward
Jackson	Stinson
Jefferson	Stovall
Jones of Atascosa	Tarwater
Jones of Falls	Tennyson
Jones of Shelby	Thornton
Jones of Wise	Tillery
King	Venable
Knetsch	Walker
Lange	Wells
Lanning	Westfall
Latham	Wood of Harrison
Leath	Wood of Montague
Lindsey	Worley
Lotief	Young
Lucas	Youngblood

Nays—10

Bradbury	Hofheinz
Colquitt	Howard
Dickison	James
Duvall	Morse
Hanna	Spears

Absent

Beck	Daniel
Butler of Brazos	Davison of Fisher
Calvert	Ford
Canon	Greathouse
Celaya	Holland
Cowley	Keefe

Lemens	Nicholson
Leonard	Petsch
McCalla	Roane
Newton	Waggoner

Absent—Excused

Bourne	Hill
Cooper	Reader
Fitzwater	Settle

HOUSE BILL NO. 140 ON SECOND READING

On motion of Mr. Lotief, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 140, A bill to be entitled "An Act creating the Leon River Flood Control District, a conservation and reclamation district, to be a governmental agency, body politic and corporate; prescribing and limiting the powers, rights, privileges, functions, and liabilities of such District, and prescribing the manner of their exercise; making an appropriation; declaring the Act to be severable; and declaring an emergency."

The Speaker then laid House Bill No. 140 before the House, and it was read second time.

Mr. Leonard offered the following amendment to the bill:

Amend House Bill No. 140, in Section 9 thereof, by striking out the words and figures, "Five Thousand (\$5,000.00) Dollars" and inserting in lieu thereof the words and figures, "Three Thousand (\$3,000.00) Dollars."

The amendment was adopted.

Mr. Clayton offered the following amendment to the bill:

Amend House Bill No. 140 by adding thereto a new section to be Section 3-A and to read as follows:

"Section 3a. The powers and duties herein devolved upon the said district shall be subject to the continuing rights of supervision by the State, which shall be exercised through the State Board of Water Engineers, and in appropriate instances, by the State Reclamation Engineer, each of which agencies shall be charged with the authority and duty to approve, or to refuse to approve, the adequacy of any plan or plans for flood control or conservation improvement purposes devised by the district for the achievement of the plans and purposes intended in the creation of the district,

and which plans contemplate improvements supervised by the respective State authorities under the provisions of the General Law."

CLAYTON,
HANKAMER.

The amendment was adopted.

House Bill No. 140 was then passed to engrossment.

HOUSE BILL NO. 140 ON THIRD READING

Mr. Lotief moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 140 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—96

Adkins	Huddleston
Alexander	Hunter
Alsup	Jackson
Ash	James
Bradbury	Jones of Atascosa
Bradford	Jones of Falls
Burton	Jones of Shelby
Butler of Karnes	Jones of Wise
Cagle	Keefe
Clayton	King
Colson	Lange
Craddock	Lanning
Davis	Latham
Davisson	Leath
of Eastland	Lemens
Dickison	Leonard
Dunlap of Hays	Lindsey
Dunlap of Kleberg	Lotief
Duvall	Mauritz
England	McConnell
Fain	McFarland
Farmer	McKinney
Fisher	Moffett
Fox	Moore
Frazer	Morris
Fuchs	Morrison
Gibson	Padgett
Glass	Palmer
Good	Patterson
Gray	Pope
Hankamer	Quinn
Hardin	Reed of Dallas
Harris of Archer	Riddle
Harris of Dallas	Roach of Hunt
Hartzog	Roberts
Head	Rogers
Herzik	Russell
Hill	Rutta
Hodges	Sessions
Holland	Smith
Hoskins	Spears
Howard	Stanfield

Steward	Walker
Stinson	Wells
Stovall	Westfall
Tarwater	Wood of Montague
Tennyson	Young
Thornton	Youngblood
Tillery	

Nays—14

Adamson	Luker
Aikin	Reed of Bowie
Atchison	Roark
Broyles	Shofner
Colquitt	Venable
Hunt	Wood of Harrison
Lucas	Worley

Present—Not Voting

Collins	Knetsch
Crossley	

Absent

Beck	Hanna
Bergman	Hofheinz
Butler of Brazos	Jefferson
Caldwell	McCalla
Calvert	McKee
Canon	Morse
Celaya	Newton
Cowley	Nicholson
Daniel	Olsen
Davison of Fisher	Payne
Dunagan	Petsch
Dwyer	Roach of Angelina
Ford	Roane
Graves	Scarborough
Greathouse	Waggoner

Absent—Excused

Bourne	Hyder
Cooper	Reader
Fitzwater	Settle

The Speaker then laid House Bill No. 140 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—87

Adkins	Dunlap of Hays
Alexander	England
Ash	Fain
Bradbury	Farmer
Bradford	Fisher
Burton	Fox
Butler of Karnes	Frazer
Cagle	Fuchs
Clayton	Gibson
Colson	Glass
Davisson	Good
of Eastland	Gray
Dickison	Hankamer

Hardin	Moffett
Harris of Archer	Morris
Harris of Dallas	Morrison
Hartzog	Padgett
Head	Palmer
Herzik	Patterson
Hill	Pope
Hodges	Quinn
Holland	Reed of Dallas
Hoskins	Riddle
Howard	Roach of Hunt
Huddleston	Roane
Hunter	Rogers
Jackson	Russell
James	Rutta
Jones of Atascosa	Sessions
Jones of Falls	Smith
Jones of Shelby	Stanfield
Jones of Wise	Steward
King	Stinson
Lange	Stovall
Latham	Tarwater
Leath	Tennyson
Lemens	Thornton
Leonard	Tillery
Lindsey	Walker
Lotief	Wells
Mauritz	Westfall
McConnell	Wood of Montague
McFarland	Young
McKinney	Youngblood

Nays—17

Adamson	Knetsch
Aikin	Lucas
Alsup	Reed of Bowie
Atchison	Roark
Broyles	Shofner
Colquitt	Venable
Craddock	Wood of Harrison
Crossley	Worley
Graves	

Present—Not Voting

Collins	Luker
Absent	
Beck	Greathouse
Bergman	Hanna
Butler of Brazos	Hofheinz
Caldwell	Hunt
Calvert	Jefferson
Canon	Keefe
Celaya	Lanning
Cowley	McCalla
Daniel	McKee
Davis	Moore
Davison of Fisher	Morse
Dunagan	Newton
Dunlap of Kleberg	Nicholson
Duvall	Olsen
Dwyer	Payne
Ford	Petsch

Roach of Angelina	Spears
Roberts	Waggoner
Scarborough	

Absent—Excused

Bourne	Hyder
Cooper	Reader
Fitzwater	Settle

HOUSE BILL NO. 113 ON SECOND READING

(By unanimous consent.)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 113, A bill to be entitled "An Act making emergency appropriations of \$16,628.00 to the West Texas State Teachers College at Canyon, Texas, for the purpose of purchasing supplies and furnishing labor for the laying of water and gas mains and furnishing electrical wiring and appliances to the boys dormitory and laying water, gas and sewer mains to the students cottages, located at said college, etc., and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 113 ON THIRD READING

Mr. Stanfield moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 113 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—94

Adams	Dunlap of Hays
Aikin	England
Alexander	Fain
Alsup	Farmer
Ash	Fisher
Atchison	Fox
Bradbury	Frazer
Bradford	Fuchs
Burton	Gibson
Butler of Karnes	Good
Cagle	Gray
Clayton	Hankamer
Collins	Hardin
Colson	Harris of Archer
Craddock	Harris of Dallas
Crossley	Hodges
Davis	Holland
Dickison	Howard

Huddleston	Padgett
Hunt	Palmer
Hunter	Patterson
Hyder	Quinn
Jackson	Reed of Dallas
James	Riddle
Jones of Atascosa	Roach of Hunt
Jones of Falls	Roberts
Jones of Shelby	Rogers
Jones of Wise	Russell
King	Rutta
Knetsch	Sessions
Lange	Smith
Lanning	Spears
Latham	Stanfield
Leath	Steward
Lemens	Stinson
Leonard	Tarwater
Lindsey	Tennyson
Lucas	Thornton
Mauritz	Tillery
McConnell	Walker
McFarland	Wells
McKinney	Westfall
Moffett	Wood of Harrison
Moore	Wood of Montague
Morris	Worley
Morrison	Young
Morse	Youngblood

Nays—9

Broyles	Reed of Bowie
Colquitt	Roark
Glass	Stovall
Graves	Venable
Luker	

Absent

Adkins	Head
Beck	Herzik
Bergman	Hofheinz
Butler of Brazos	Hoskins
Caldwell	Jefferson
Calvert	Keefe
Canon	Lotief
Celaya	McCalla
Cowley	McKee
Daniel	Newton
Davison of Fisher	Nicholson
Davisson	Olsen
of Eastland	Payne
Dunagan	Petsch
Dunlap of Kleberg	Pope
Duvall	Roach of Angelina
Dwyer	Roane
Ford	Scarborough
Greathouse	Shofner
Hanna	Waggoner
Hartzog	

Absent—Excused

Bourne	Hill
Cooper	Reader
Fitzwater	Settle

The Speaker then laid House Bill No. 113 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—92

Adamson	Jones of Wise
Alexander	King
Alsup	Lange
Ash	Latham
Bradford	Leath
Burton	Lemens
Butler of Karnes	Leonard
Clayton	Lindsey
Collins	Lotief
Colson	Lucas
Craddock	Mauritz
Crossley	McConnell
Davis	McFarland
Dickison	McKinney
Dunagan	Moffett
Dunlap of Hays	Morris
Dunlap of Kleberg	Morrison
England	Morse
Fain	Padgett
Farmer	Patterson
Fisher	Payne
Fox	Pope
Frazer	Quinn
Fuchs	Roach of Angelina
Gibson	Roach of Hunt
Glass	Roberts
Gray	Rogers
Hankamer	Russell
Harris of Archer	Rutta
Harris of Dallas	Sessions
Hartzog	Shofner
Head	Smith
Herzik	Spears
Hodges	Stanfield
Hofheinz	Steward
Holland	Stinson
Hoskins	Tarwater
Howard	Thornton
Hunt	Tillery
Hunter	Walker
Hyder	Wells
Jackson	Westfall
James	Wood of Harrison
Jones of Atascosa	Wood of Montague
Jones of Falls	Worley
Jones of Shelby	Youngblood

Nays—16

Aikin	Huddleston
Bergman	Knetsch
Bradbury	Luker
Broyles	Palmer
Cagle	Reed of Bowie
Colquitt	Roark
Graves	Stovall
Hardin	Venable

Absent

Adkins	Hanna
Atchison	Jefferson
Beck	Keefe
Butler of Brazos	Lanning
Caldwell	McCalla
Calvert	McKee
Canon	Moore
Celaya	Newton
Cowley	Nicholson
Daniel	Olsen
Davison of Fisher	Petsch
Davison of Eastland	Reed of Dallas
Duvall	Riddle
Dwyer	Roane
Ford	Scarborough
Good	Tennyson
Greathouse	Waggoner
	Young

Absent—Excused

Bourne	Hill
Cooper	Reader
Fitzwater	Settle

HOUSE BILL NO 141 ON SECOND
READING

Mr. Pope moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 141 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—108

Adamson	England
Adkins	Fain
Aikin	Farmer
Alexander	Fisher
Alsup	Fox
Ash	Frazer
Atchison	Fuchs
Bergman	Gibson
Bradbury	Glass
Bradford	Good
Burton	Graves
Butler of Karnes	Gray
Cagle	Hankamer
Collins	Hardin
Colson	Harris of Archer
Craddock	Harris of Dallas
Davis	Head
Davison	Herzik
of Eastland	Hodges
Dickison	Hofheinz
Dunagan	Holland
Dunlap of Hays	Hoskins
Dunlap of Kleberg	Huddleston
Duvall	Hunt

Hunter

Hyder	Patterson
Jackson	Petsch
James	Pope
Jones of Atascosa	Reed of Bowie
Jones of Falls	Reed of Dallas
Jones of Shelby	Roach of Hunt
Jones of Wise	Roark
King	Roberts
Knetsch	Rogers
Lange	Russell
Lanning	Rutta
Latham	Sessions
Leath	Shofner
Lemens	Smith
Leonard	Stanfield
Lindsey	Steward
Lotief	Stinson
Lucas	Stovall
Luker	Tarwater
Mauritz	Tennyson
McConnell	Thornton
McFarland	Tillery
McKinney	Venable
Moffett	Walker
Moore	Wells
Morris	Westfall
Morrison	Wood of Harrison
Morse	Wood of Montague
Padgett	Worley
Palmer	Youngblood

Nays—3

Broyles	Hanna
Colquitt	

Present—Not Voting

Crossley

Absent

Beck	Keefe
Butler of Brazos	McCalla
Caldwell	McKee
Calvert	Newton
Canon	Nicholson
Celaya	Olsen
Clayton	Payne
Cowley	Quinn
Daniel	Riddle
Davison of Fisher	Roach of Angelina
Dwyer	Roane
Ford	Scarborough
Greathouse	Spears
Hartzog	Waggoner
Howard	Young
Jefferson	

Absent—Excused

Bourne	Hill
Cooper	Reader
Fitzwater	Settle

On motion of Mr. Pope (by unanimous consent), the regular order of business was suspended, to take up and

have placed on its second reading and passage to engrossment,

H. B. No. 141, A bill to be entitled "An Act to create the Nueces River Conservation and Reclamation District under the authority of Section 59, of Article 16, of the Constitution of Texas, authorizing subordinate districts and for the creation and government thereof; defining the powers and duties of said districts, etc., and declaring an emergency."

The Speaker then laid House Bill No. 141 before the House, and it was read second time.

Mr. Aikin offered the following amendment to the bill:

Amend House Bill No. 141 by striking out of sub-section "B" of Section 12, all after the word "Texas."

The amendment was adopted.

House Bill No. 141 was then passed to engrossment.

HOUSE BILL NO. 141 ON THIRD READING

The Speaker then laid House Bill No. 141 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—108

Adamson	Frazer
Adkins	Fuchs
Aikin	Gibson
Alexander	Glass
Alsup	Good
Ash	Graves
Atchison	Gray
Bergman	Hankamer
Bradbury	Hardin
Bradford	Harris of Archer
Burton	Harris of Dallas
Butler of Karnes	Head
Collins	Herzik
Colson	Hodges
Crossley	Hofheinz
Davis	Holland
Davisson	Hoskins
of Eastland	Howard
Dickison	Huddleston
Dunagan	Hunt
Dunlap of Hays	Hunter
Dunlap of Kleberg	Hyder
Duvall	Jackson
England	James
Fain	Jones of Atascosa
Farmer	Jones of Falls
Fisher	Jones of Shelby
Fox	Jones of Wise

King
Knetsch
Lange
Lanning
Latham
Leath
Lemens
Leonard
Lindsey
Lotief
Lucas
Luker
Mauritz
McConnell
McFarland
McKinney
Moffett
Moore
Morris
Morrison
Morse
Padgett
Palmer
Patterson
Petsch
Pope
Quinn

Reed of Bowie
Reed of Dallas
Roach of Angelina
Roach of Hunt
Roark
Roberts
Rogers
Russell
Rutta
Sessions
Shofner
Smith
Stanfield
Steward
Stinson
Stovall
Tarwater
Tennyson
Thornton
Walker
Wells
Westfall
Wood of Harrison
Wood of Montague
Worley
Youngblood

Nays—5

Broyles
Cagle
Colquitt

Craddock
Venable

Absent

Beck	Jefferson
Butler of Brazos	Keefe
Caldwell	McCalla
Calvert	McKee
Canon	Newton
Celaya	Nicholson
Clayton	Olsen
Cowley	Payne
Daniel	Riddle
Davison of Fisher	Roane
Dwyer	Scarborough
Ford	Spears
Greathouse	Tillery
Hanna	Waggoner
Hartzog	Young

Absent—Excused

Bourne	Hill
Cooper	Reader
Fitzwater	Settle

HOUSE BILL NO. 139 ON SECOND READING

(By unanimous consent.)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 139, A bill to be entitled "An Act to amend Article 6795, Title

116, Chapter 5, of the Revised Civil Statutes of 1925, of the State of Texas, and to add to said Chapter, Article 6795a, authorizing county commissioners' courts situated within any county having not less than 350,000 population, according to the last preceding Federal census, to construct, build, acquire, own, operate and maintain a toll underpass or tunnel in the State of Texas; etc., and declaring an emergency."

The bill was read second time, and passed to engrossment.

HOUSE BILL NO. 139 ON THIRD READING

Mr. Howard moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 139 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—113

Adamson	Good
Adkins	Graves
Aikin	Gray
Alexander	Hankamer
Alsup	Hardin
Ash	Harris of Archer
Atchison	Harris of Dallas
Bergman	Hodges
Bradbury	Hofheinz
Bradford	Holland
Broyles	Hoskins
Burton	Howard
Butler of Karnes	Huddleston
Cagle	Hunt
Clayton	Hunter
Collins	Hyder
Colquitt	Jackson
Colson	James
Craddock	Jones of Atascosa
Crossley	Jones of Falls
Davis	Jones of Shelby
Davisson	Jones of Wise
of Eastland	King
Dickison	Knetsch
Dunagan	Lange
Dunlap of Hays	Lanning
Dunlap of Kleberg	Latham
Duvall	Leath
England	Lemens
Fain	Leonard
Farmer	Lotief
Fisher	Lucas
Fox	Mauritz
Frazer	McConnell
Fuchs	McFarland
Gibson	McKinney
Glass	Moffett

Moore	Rutta
Morris	Sessions
Morrison	Shofner
Morse	Smith
Padgett	Spears
Palmer	Steward
Patterson	Stinson
Payne	Stovall
Petsch	Tarwater
Pope	Tennyson
Quinn	Thornton
Reed of Bowie	Tillery
Reed of Dallas	Venable
Riddle	Walker
Roach of Angelina	Wells
Roach of Hunt	Wood of Harrison
Roark	Wood of Montague
Roberts	Worley
Rogers	Young
Russell	Youngblood

Absent

Beck	Herzik
Butler of Brazos	Jefferson
Caldwell	Keefe
Calvert	Lindsey
Canon	Luker
Celaya	McCalla
Cowley	McKee
Daniel	Newton
Davison of Fisher	Nicholson
Dwyer	Olsen
Ford	Roane
Greathouse	Scarborough
Hanna	Stanfield
Hartzog	Waggoner
Head	Westfall

Absent—Excused

Bourne	Hill
Cooper	Reader
Fitzwater	Settle

The Speaker then laid House Bill No. 139 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—112

Adamson	Clayton
Adkins	Collins
Aikin	Colquitt
Alexander	Colson
Alsup	Craddock
Ash	Crossley
Atchison	Davis
Bergman	Davisson
Bradbury	of Eastland
Bradford	Dickison
Broyles	Dunagan
Burton	Dunlap of Hays
Butler of Karnes	Dunlap of Kleberg

Duvall	Lucas
England	Mauritz
Farmer	McConnell
Fisher	McKinney
Fox	Moffett
Frazer	Moore
Fuchs	Morris
Gibson	Morrison
Glass	Morse
Good	Padgett
Graves	Palmer
Gray	Patterson
Hankamer	Payne
Hardin	Petsch
Harris of Archer	Pope
Harris of Dallas	Quinn
Hartzog	Reed of Bowie
Head	Reed of Dallas
Herzik	Riddle
Hill	Roach of Angelina
Hodges	Roark
Hofheinz	Roberts
Holland	Rogers
Hoskins	Russell
Howard	Rutta
Huddleston	Sessions
Hunter	Shofner
Hyder	Smith
Jackson	Spears
James	Steward
Jones of Atascosa	Stovall
Jones of Falls	Tarwater
Jones of Shelby	Tennyson
Jones of Wise	Thornton
King	Venable
Knetsch	Walker
Lange	Wells
Lanning	Westfall
Latham	Wood of Harrison
Leath	Wood of Montague
Lemens	Worley
Leonard	Young
Lindsey	Youngblood
Lotief	

Absent

Beck	Jefferson
Butler of Brazos	Keefe
Cagle	Luker
Caldwell	McCalla
Calvert	McFarland
Canon	McKee
Celaya	Newton
Cowley	Nicholson
Daniel	Olsen
Davison of Fisher	Roach of Hunt
Dwyer	Roane
Fain	Scarborough
Ford	Stanfield
Greathouse	Stinson
Hanna	Tillery
Hunt	Waggoner

Absent—Excused

Bourne	Reader
Cooper	Settle
Fitzwater	

ADDITIONAL SIGNER OF HOUSE
BILL NO. 147

By unanimous consent of the House, Mr. Smith was authorized to sign House Bill No. 147, as co-author of same.

HOUSE BILL NO. 147 ON SECOND
READING

Mr. Duvall moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 147 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—108

Adamson	Hankamer
Aikin	Hardin
Alexander	Harris of Archer
Alsup	Head
Ash	Herzik
Atchison	Hodges
Bergman	Hofheinz
Bradbury	Holland
Bradford	Hoskins
Broyles	Huddleston
Burton	Hunt
Butler of Karnes	Hyder
Collins	Jackson
Colquitt	James
Colson	Jones of Atascosa
Craddock	Jones of Falls
Crossley	Jones of Shelby
Davis	Jones of Wise
Davisson	King
of Eastland	Knetsch
Dickison	Lange
Dunagan	Lanning
Dunlap of Hays	Latham
Dunlap of Kleberg	Leath
Duvall	Lemens
England	Leonard
Fain	Lindsey
Farmer	Lotief
Fisher	Lucas
Fox	Mauritz
Frazer	McConnell
Fuchs	McFarland
Gibson	McKinney
Glass	Moffett
Good	Moore
Graves	Morris
Gray	Morrison

Morse	Spears
Padgett	Steward
Palmer	Stinson
Patterson	Stovall
Payne	Tarwater
Quinn	Tennyson
Reed of Bowie	Thornton
Reed of Dallas	Tillery
Roach of Angelina	Venable
Roach of Hunt	Walker
Roark	Wells
Roberts	Westfall
Rogers	Wood of Harrison
Russell	Wood of Montague
Rutta	Worley
Sessions	Young
Shofner	Youngblood
Smith	

Present—Not Voting

Cagle

Absent

Adkins	Howard
Beck	Hunter
Butler of Brazos	Jefferson
Caldwell	Keefe
Calvert	Luker
Canon	McCalla
Celaya	McKee
Clayton	Newton
Cowley	Nicholson
Daniel	Olsen
Davison of Fisher	Petsch
Dwyer	Pope
Ford	Riddle
Greathouse	Roane
Hanna	Scarborough
Harris of Dallas	Stanfield
Hartzog	Waggoner

Absent—Excused

Bourne	Hill
Cooper	Reader
Fitzwater	Settle

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 147, A bill to be entitled "An Act making an appropriation of \$259.44 to pay W. P. McLean, Jr., for twenty-four days attendance as Special Associate Justice of the Supreme Court of Texas, and to pay the sum of \$306.88, to Alvin C. Owsley for twenty-eight days attendance as Special Chief Justice of the Supreme Court of Texas, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 147 ON THIRD READING

The Speaker then laid House Bill No. 147 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—116

Adamson	James
Aikin	Jones of Atascosa
Alexander	Jones of Falls
Alsup	Jones of Shelby
Ash	Jones of Wise
Atchison	King
Bergman	Knetsch
Bradbury	Lange
Bradford	Lanning
Broyles	Latham
Burton	Leath
Butler of Karnes	Lemens
Cagle	Leonard
Clayton	Lindsey
Collins	Lotief
Colquitt	Lucas
Colson	Mauritz
Craddock	McConnell
Crossley	McFarland
Davis	McKinney
Davison	Moffett
of Eastland	Moore
Dickison	Morris
Dunagan	Morrison
Dunlap of Hays	Morse
Dunlap of Kleberg	Padgett
Duvall	Palmer
England	Patterson
Fain	Payne
Farmer	Petsch
Fisher	Pope
Frazer	Quinn
Fuchs	Reed of Bowie
Gibson	Reed of Dallas
Glass	Riddle
Good	Roach of Angelina
Graves	Roach of Hunt
Gray	Roark
Hankamer	Roberts
Hardin	Rogers
Harris of Archer	Russell
Hartzog	Rutta
Head	Sessions
Herzik	Shofner
Hodges	Smith
Hofheinz	Spears
Holland	Stanfield
Hoskins	Steward
Howard	Stinson
Huddleston	Stovall
Hunt	Tarwater
Hunter	Tennyson
Hyder	Thornton
Jackson	Tillery

Venable
Walker
Wells
Westfall
Wood of Harrison

Wood of Montague
Worley
Young
Youngblood

Absent

Adkins
Beck
Butler of Brazos
Caldwell
Calvert
Canon
Celaya
Cowley
Daniel
Davison of Fisher
Dwyer
Ford
Greathouse
Hanna

Harris of Dallas
Head
Jefferson
Keefe
Luker
McCalla
McKee
Newton
Nicholson
Olsen
Roane
Scarborough
Waggoner

Absent—Excused

Bourne
Cooper
Fitzwater

Hill
Reader
Settle

MOTION TO TAKE UP HOUSE
BILL NO. 134

Mr. Quinn moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 134 be placed on its third reading and final passage.

The motion was lost (not receiving necessary four-fifths vote) by the following vote:

Yeas—71

Ash
Bergman
Bradbury
Bradford
Burton
Celaya
Clayton
Colson
Craddock
Davis
Davisson
of Eastland
Dunagan
Dunlap of Hays
Dunlap of Kleberg
Fain
Farmer
Fox
Frazer
Fuchs
Gibson
Glass
Graves
Gray

Hankamer
Harris of Archer
Head
Herzik
Hodges
Hofheinz
Holland
Hoskins
Huddleston
Hyder
Jackson
James
Jones of Shelby
Jones of Wise
King
Lange
Lanning
Leath
Lemens
Leonard
Lindsey
Mauritz
McConnell
McFarland

McKinney
Moffett
Moore
Morris
Morrison
Padgett
Patterson
Payne
Pope
Quinn
Riddle
Roark

Rutta
Sessions
Smith
Spears
Steward
Tarwater
Thornton
Tillery
Walker
Westfall
Wood of Montague
Worley

Nays—31

Adamson
Aikin
Alsup
Atchison
Broyles
Butler of Karnes
Colquitt
Dickison
Duvall
Hardin
Harris of Dallas
Howard
Hunt
Hunter
Knetsch
Lotief

Lucas
Palmer
Reed of Bowie
Reed of Dallas
Roach of Angelina
Rogers
Russell
Shofner
Stinson
Stovall
Tennyson
Venable
Wells
Wood of Harrison
Youngblood

Present—Not Voting

Mr. Speaker
England

Roach of Hunt

Absent

Adkins
Alexander
Beck
Butler of Brazos
Cagle
Caldwell
Calvert
Canon
Collins
Cowley
Crossley
Daniel
Davison of Fisher
Dwyer
Fisher
Ford
Good
Greathouse
Hanna

Hartzog
Jefferson
Jones of Atascosa
Jones of Falls
Keefe
Latham
Luker
McCalla
Morse
Newton
Nicholson
Olsen
Petsch
Roane
Roberts
Scarborough
Stanfield
Waggoner
Young

Absent—Excused

Bourne
Cooper
Fitzwater
Hill

McKee
Reader
Settle

HOUSE BILL NO. 144 ON SECOND
READING

Mr. Fox moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 144 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—107

Adamson	Jones of Atascosa
Aikin	Jones of Falls
Alexander	Jones of Shelby
Alsup	Jones of Wise
Ash	King
Atchison	Knetsch
Bergman	Lange
Bradbury	Lanning
Bradford	Latham
Broyles	Leath
Burton	Lemens
Butler of Karnes	Leonard
Clayton	Lindsey
Collins	Lotief
Craddock	Lucas
Crossley	Mauritz
Davis	McConnell
Davisson	McFarland
of Eastland	McKinney
Dickison	Moffett
Dunagan	Moore
Dunlap of Hays	Morris
Duvall	Morse
England	Padgett
Fain	Palmer
Farmer	Patterson
Fisher	Pope
Fox	Quinn
Fuchs	Reed of Bowie
Gibson	Reed of Dallas
Glass	Riddle
Good	Roach of Angelina
Graves	Roach of Hunt
Gray	Roark
Hankamer	Roberts
Hardin	Rogers
Harris of Archer	Russell
Harris of Dallas	Rutta
Head	Sessions
Herzik	Shofner
Hodges	Smith
Hofheinz	Spears
Holland	Steward
Hoskins	Stinson
Howard	Stovall
Huddleston	Tarwater
Hunter	Tennyson
Hyder	Thornton
Jackson	Tillery
James	Venable

Walker	Wood of Montague
Wells	Worley
Westfall	Young
Wood of Harrison	Youngblood

Absent

Adkins	Hanna
Beck	Hartzog
Butler of Brazos	Hunt
Cagle	Jefferson
Caldwell	Keefe
Calvert	Luker
Canon	McCalla
Celaya	Morrison
Colquitt	Newton
Colson	Nicholson
Cowley	Olsen
Daniel	Payne
Davison of Fisher	Petsch
Dunlap of Kleberg	Roane
Dwyer	Scarborough
Ford	Stanfield
Frazer	Waggoner
Greathouse	

Absent—Excused

Bourne	McKee
Cooper	Reader
Fitzwater	Settle
Hill	

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 144, A bill to be entitled "An Act to amend Sections 6 and 7 of Chapter 24, Acts of the Regular Session, Thirty-eighth Legislature, and declaring an emergency."

The bill was read second time.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 144 was then passed to engrossment.

HOUSE BILL NO. 144 ON THIRD
READING

The Speaker then laid House Bill No. 144 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—106

Adamson	Atchison
Aikin	Bradbury
Alexander	Bradford
Alsup	Broyles
Ash	Burton

Butler of Karnes	Latham
Cagle	Leath
Clayton	Lemens
Collins	Leonard
Colquitt	Lindsey
Colson	Lotief
Craddock	Lucas
Crossley	Mauritz
Davis	McConnell
Davisson	McFarland
of Eastland	McKinney
Dickison	Moffett
Dunagan	Moore
Dunlap of Hays	Morris
England	Morrison
Fain	Morse
Farmer	Padgett
Fisher	Palmer
Fox	Patterson
Fuchs	Reed of Bowie
Gibson	Reed of Dallas
Glass	Riddle
Good	Roach of Angelina
Graves	Roach of Hunt
Gray	Roark
Hankamer	Roberts
Hardin	Rogers
Harris of Archer	Russell
Harris of Dallas	Rutta
Head	Sessions
Herzik	Shofner
Hodges	Smith
Holland	Steward
Hoskins	Stinson
Howard	Stovall
Huddleston	Tarwater
Hunt	Tennyson
Hunter	Thornton
Hyder	Tillery
Jackson	Venable
James	Walker
Jones of Atascosa	Wells
Jones of Falls	Westfall
Jones of Shelby	Wood of Harrison
Jones of Wise	Wood of Montague
King	Worley
Knetsch	Young
Lange	Youngblood
Lanning	

Absent

Adkins	Dwyer
Beck	Ford
Bergman	Frazer
Butler of Brazos	Greathouse
Caldwell	Hanna
Calvert	Hartzog
Canon	Hofheinz
Celaya	Jefferson
Cowley	Keefe
Daniel	Luker
Davison of Fisher	McCalla
Dunlap of Kleberg	Newton
Duvall	Nicholson

Olsen	Roane
Payne	Scarborough
Petsch	Spears
Pope	Stanfield
Quinn	Waggoner

Absent—Excused

Bourne	McKee
Cooper	Reader
Fitzwater	Settle
Hill	

HOUSE BILL NO. 123 ON SECOND READING

(By unanimous consent.)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 123, A bill to be entitled "An Act creating a special road law for Swisher County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of July 8, 1935, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; etc., and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 123 ON THIRD READING

Mr. Tarwater moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 123 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—108

Adamson	Davisson
Aikin	of Eastland
Alexander	Dickison
Alsup	Dunagan
Ash	Dunlap of Hays
Atchison	Duvall
Bergman	England
Bradbury	Fain
Bradford	Farmer
Broyles	Fisher
Burton	Fox
Butler of Brazos	Fuchs
Butler of Karnes	Gibson
Clayton	Glass
Collins	Good
Craddock	Graves
Crossley	Gray
Davis	Hankamer

Hardin	Morse
Harris of Archer	Padgett
Harris of Dallas	Palmer
Head	Patterson
Herzik	Pope
Hodges	Quinn
Hofheinz	Reed of Bowie
Holland	Reed of Dallas
Hoskins	Riddle
Howard	Roach of Angelina
Huddleston	Roach of Hunt
Hunter	Roark
Hyder	Roberts
Jackson	Rogers
James	Russell
Jones of Atascosa	Rutta
Jones of Falls	Sessions
Jones of Shelby	Shofner
Jones of Wise	Smith
King	Spears
Knetsch	Steward
Lange	Stinson
Lanning	Stovall
Latham	Tarwater
Leath	Tennyson
Lemens	Thornton
Leonard	Tillery
Lindsey	Venable
Lotief	Walker
Lucas	Wells
Mauritz	Westfall
McConnell	Wood of Harrison
McFarland	Wood of Montague
McKinney	Worley
Moffett	Young
Moore	Youngblood
Morris	

Absent

Adkins	Hanna
Beck	Hartzog
Cagle	Hunt
Caldwell	Jefferson
Calvert	Keefe
Canon	Luker
Celaya	McCalla
Colquitt	Morrison
Colson	Newton
Cowley	Nicholson
Daniel	Olsen
Davison of Fisher	Payne
Dunlap of Kleberg	Petsch
Dwyer	Roane
Ford	Scarborough
Frazer	Stanfield
Greathouse	Waggoner

Absent—Excused

Bourne	McKee
Cooper	Reader
Fitzwater	Settle
Hill	

The Speaker then laid House Bill No. 123 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—106

Adamson	Jones of Wise
Aikin	King
Alexander	Knetsch
Alsup	Lange
Ash	Lanning
Atchison	Latham
Bradbury	Leath
Bradford	Lemens
Broyles	Leonard
Burton	Lindsey
Butler of Karnes	Lotief
Cagle	Lucas
Clayton	Mauritz
Collins	McConnell
Colquitt	McFarland
Colson	McKinney
Craddock	Moffett
Crossley	Moore
Davis	Morris
Davisson	Morrison
of Eastland	Morse
Dickison	Padgett
Dunagan	Palmer
Dunlap of Hays	Patterson
England	Reed of Bowie
Fain	Reed of Dallas
Farmer	Riddle
Fisher	Roach of Angelina
Fox	Roach of Hunt
Fuchs	Roark
Gibson	Roberts
Glass	Rogers
Good	Russell
Graves	Rutta
Gray	Sessions
Hankamer	Shofner
Hardin	Smith
Harris of Archer	Steward
Harris of Dallas	Stinson
Head	Stovall
Herzik	Tarwater
Hodges	Tennyson
Holland	Thornton
Hoskins	Tillery
Howard	Venable
Huddleston	Walker
Hunt	Wells
Hunter	Westfall
Hyder	Wood of Harrison
Jackson	Wood of Montague
James	Worley
Jones of Atascosa	Young
Jones of Falls	Youngblood
Jones of Shelby	

Absent		Leonard	Roark
Adkins	Hartzog	Lindsey	Roberts
Beck	Hofheinz	Lotief	Rutta
Bergman	Jefferson	Lucas	Sessions
Butler of Brazos	Keefe	Mauritz	Shofner
Caldwell	Luker	McConnell	Smith
Calvert	McCalla	McFarland	Stanfield
Canon	Newton	McKinney	Steward
Celaya	Nicholson	Moffett	Stinson
Cowley	Olsen	Moore	Stovall
Daniel	Payne	Morris	Tarwater
Davison of Fisher	Petsch	Morrison	Tennyson
Dunlap of Kleberg	Pope	Palmer	Thornton
Duvall	Quinn	Patterson	Tillery
Dwyer	Roane	Pope	Venable
Ford	Scarborough	Quinn	Walker
Frazer	Spears	Reed of Dallas	Wells
Greathouse	Stanfield	Riddle	Westfall
Hanna	Waggoner	Roach of Angelina	Young
		Roach of Hunt	Youngblood
Absent—Excused		Nays—9	
Bourne	McKee	Adamson	Hofheinz
Cooper	Reader	Aikin	Reed of Bowie
Fitzwater	Settle	Broyles	Russell
Hill		Colquitt	Wood of Harrison
		Crossley	
HOUSE BILL NO. 134 ON THIRD READING		Present—Not Voting	
Mr. Roark moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 134 be placed on its third reading and final passage.		Mr. Speaker	Worley
The motion prevailed by the following vote:		Absent	
Yeas—89		Atchison	Hartzog
Adkins	Gray	Beck	Head
Alexander	Hankamer	Bergman	Hoskins
Alsup	Hardin	Butler of Brazos	Howard
Ash	Harris of Archer	Butler of Karnes	Jefferson
Bradbury	Harris of Dallas	Cagle	Keefe
Bradford	Herzik	Caldwell	Luker
Burton	Hodges	Calvert	McCalla
Collins	Holland	Canon	Morse
Craddock	Huddleston	Celaya	Newton
Davison	Hunt	Clayton	Nicholson
of Eastland	Hunter	Colson	Olsen
Dickison	Hyder	Cowley	Padgett
Dunagan	Jackson	Daniel	Payne
Dunlap of Hays	James	Davis	Petsch
Duvall	Jones of Atascosa	Davison of Fisher	Roane
England	Jones of Falls	Dunlap of Kleberg	Rogers
Fain	Jones of Shelby	Dwyer	Scarborough
Farmer	Jones of Wise	Ford	Spears
Fisher	King	Frazer	Waggoner
Fox	Knetsch	Greathouse	Wood of Montague
Fuchs	Lange	Hanna	
Gibson	Lanning	Absent—Excused	
Glass	Latham	Bourne	McKee
Good	Leath	Cooper	Reader
Graves	Lemens	Fitzwater	Settle
		Hill	
		The Speaker then laid House Bill No. 134 before the House on its third reading and final passage.	

The bill was read third time, and was passed.

HOUSE BILL ON FIRST READING

The following House bill, introduced today, by unanimous consent, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Spears:

H. B. No. 151, A bill to be entitled "An Act declaring it to be the policy of the State to give to the producers, consumers and dealers of the State of Texas, intensive distribution of information concerning market conditions and prices of farm products, including live stock, and to obtain information for distribution to the important consuming and distributing markets of the United States."

Referred to the Committee on Appropriations.

BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled bill:

H. B. No. 18, "An Act requiring licenses for the operation, maintenance, opening or establishment of stores in this State, prescribing the license and filing fees to be paid therefor, and the disposition thereof; providing for certain exceptions and fixing the powers and duties of the Comptroller of Public Accounts in connection therewith; etc., and declaring an emergency."

ADJOURNMENT

Mr. Lotief moved that the House adjourn until 10:00 o'clock a. m., Saturday, October 12.

Mr. Dunagan moved that the House adjourn until 10:00 o'clock a. m., next Monday.

Mr. Fuchs moved that the House adjourn until 9:30 o'clock a. m., next Monday.

Question recurring on the motion by Mr. Fuchs, it prevailed, and the House, accordingly, at 6:00 o'clock p. m., adjourned until 9:30 o'clock a. m., next Monday.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions as follows:

Appropriations: House Bills Nos. 113, 124, 126, 133 and 147; Senate Bills Nos. 24 and 29.

Claims and Accounts: House Bill No. 145.

Conservation and Reclamation: House Bill No. 141.

Education: House Bill No. 135.

Highways and Motor Traffic: House Bill No. 142.

Liquor Traffic: House Bill No. 61.

Privileges, Suffrage and Elections: Senate Bill No. 5.

School Districts: House Bill No. 144.

State Affairs: Senate Concurrent Resolution No. 4.

The Committee on State Affairs filed a favorable report on resolution, by Mr. Caldwell, to provide for the appointment of certain committee.

The Committee on State Affairs filed an adverse report on resolution by Mr. McConnell, relative to the practice of lobbying in Texas.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, October 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 138, A bill to be entitled "An Act to amend Chapter 75 of the Acts of the First Called Session of the Forty-third Legislature, so as to create a conservation and reclamation district to be known as Guadalupe-Blanco River Authority, pursuant to and for the purpose set forth in Section 59 of Article 16 of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate, without power to levy taxes or assessments, or to create any indebtedness payable out of taxes or assessments, or to pledge the credit of the State; etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.